



# Punjab Government Gazette

## EXTRAORDINARY

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### LEGISLATIVE SUPPLEMENT

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**PART III**

**GOVERNMENT OF PUNJAB**

DEPARTMENT OF HOME AFFAIRS AND JUSTICE

(HOME-2 BRANCH)

**NOTIFICATION**

The 9th February, 2023

**No.G.S.R. 10/Const./Art.309/2023.-** In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating recruitment and conditions of Service of the persons appointed to the Punjab Forensic Science (Group 'C') Service, namely: -

**RULES**

**1. Short title, commencement and application.-**(1) These rules may be called The Punjab Forensic Science (Group 'C') Service Rules, 2023.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

(3) They shall apply to the posts, specified in Appendix 'A'.

**2. Definitions. -** (i) In these rules, unless the context otherwise requires, -

(a) 'Appendix' means an appendix appended to these rules;

(b) 'Government' means the Government of the State of Punjab in the Department of Home Affairs and Justice;

(c) 'Director' means the Director of Forensic Science Laboratory, Punjab;  
and

(d) 'Service' means the Punjab Forensic Science (Group 'C') Service.

(ii) The words and expressions used, but not defined in these rules, shall have the same meaning as respectively assigned to them in the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

**3. Number and character of posts.-** The Service shall comprise the posts specified in Appendix 'A':

Provided that nothing in these rules shall affect the inherent right of the Government to add or to reduce the number of such posts or to create new posts with different designations and scales of pay whether permanently or temporarily.

**4. Appointing Authority.-** Appointments to the Service shall be made by the Director.

**5. Pay of members of the Service. –** The members of the Service shall be entitled to such scales of pay, as may be authorised by the Department of Finance, Government of Punjab from time to time. The scales of pay, at present, in force in respect of the members of the Service, are given in Appendix 'A'.

**6. Method of Appointment, Qualifications and Experience. —**

(1) All Appointments to the Service shall be made in the manner, as specified in Appendix 'B':

Provided that if, no suitable candidate is available for appointment to the Service by promotion or by direct appointment, the appointment to the Service shall be made by the transfer of a person holding an analogous post under the State Government or Government of India.

(2) No person shall be appointed to a post in the Service, unless he possesses the qualifications and experience, as specified against the post in Appendix 'B'.

(3) Appointment to the Service by promotion shall be made on seniority-cum-merit basis, but no person shall have any right to claim promotion on the basis of seniority alone.

**7. Discipline, Punishment and appeal.-** (1) In the matters of discipline, punishment and appeal, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to impose penalties as specified in Rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and the appellate authority thereunder in respect of the members of the Service against an order as specified in the Punjab Civil Services (Punishment and Appeal) Rules, 1970, shall be as per Appendix 'C'.

**8. Application of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.-** (1) In respect of the matters, which are not specifically provided in these rules, the members of the Services shall be governed by the provisions of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, as amended from time to time.

(2) The Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 at present in force, are contained in Appendix 'D'.

**9. Repeal and Saving.-** The Punjab Police Forensic Science (Class III) Service Rules, 2000, in so far as they are applicable to the members of the Service, are hereby repealed:

Provided that any order issued or any action taken under the rules, so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.

**10. Interpretation.-** If any question arises as to the interpretation of these rules, the Government in consultation with the Department of Personnel, shall decide the same.

**APPENDIX 'A'**

[see rules 1(3), 3 and 5]

Sr. No.	Designation of the post	Number of Posts			Scale of Pay (in rupees) (Initial Pay)	Pay scale as per 7 <sup>th</sup> CPC as per FD Letter dated 17.07.2020
		Permanent	Temporary	Total		
1.	Laboratory Assistant	46	--	46	5910-20200+ Rs.2400	Rs.25,500/-
2.	Laboratory Attendant	55	--	55	5910-20200+ Rs.1900	Rs.19,900/-

**APPENDIX 'B'**

[See rule 6]

Sr. No.	Designation of the Post	Proposed Percentage for Appointment by		Proposed Qualifications	
		Direct Appointment	Promotion	Direct appointment	Promotion
1.	Laboratory Assistant	Sixty percent	Forty percent	Should possess B.Sc. from a recognized University or Institution with any of the three Science subjects from the subjects of Physics, Chemistry, Mathematics and Biology.	From amongst the Laboratory Attendants working under the control of Director who have an experience of working as such for a minimum period of five years or of two years who possesses M.Sc. degree from a recognized university or institution or three years who possesses B.Sc. degree from a recognized University or Institution with any three Science subjects from Physics, Chemistry, Mathematics and Biology.
2.	Laboratory Attendant	Hundred percent	--	Should have passed 10+2 examination with Science from a recognized University or Institution.	--

**APPENDIX 'C'**

[see rule 7]

Sr. No.	Designation of the post	Name of *Penalty/or @Order	Authority empowered to impose penalty	Appellate Authority
1	2	3	4	5
1.	Laboratory Assistant	i) Censure;	Director	Secretary Incharge
2.	Laboratory Attendant	ii) Withholding of his promotions; iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders; iv) Withholding of increments of pay; v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay; vi) reduction to a lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government employee to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or service; vii) compulsory retirement; viii) removal from service which shall not be a disqualification for future employment under the Government; ix) dismissal from service which shall ordinarily be a disqualification for		



		future employment under the Government.		
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\* In term of the Rules 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

@ In terms of the Rules 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

**APPENDIX 'D'**

(See rule 8)

**GOVERNMENT OF PUNJAB**

**DEPARTMENT OF PERSONNEL**

**(PERSONNEL POLICIES BRANCH -1)**

**NOTIFICATION**

The 4th May, 1994

**No. G.S.R. 33/ Const./Art 309/94-** In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling in this behalf, the Governor of Punjab is pleased to make the following rules regulating the recruitment and general and common conditions of service of persons appointed to Group 'A' , Group 'B' and Group 'C' services in connection with the affairs of the State of Punjab, namely :-

1. **Short title, commencement and application.** – (1) These rules may be called the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.  
(2) They shall come into force at once.  
(3) They shall apply to all the posts in Group 'A', Group 'B' and Group 'C' services in connection with the affairs of the State of Punjab.
2. **Definitions** – In these rules, unless the context otherwise requires,-
  - (a) "appointing authority" means an appointing authority specified as such in the Service Rules made under Article 309 of the Constitution of India in respect of any service or post in connection with the affairs of the State of Punjab;
  - (b) "Board" means the Subordinate Services Selection Board, Punjab or any other authority constituted to perform its functions;
  - (c) "Commission" means the Punjab Public Service Commission;
  - (d) "direct appointment" means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;
  - (e) "Government" means the Government of the State of Punjab in the Department of Personnel and Administrative Reforms;
  - (f) "recognized university or institution" means,-
    - (i) any university or institution incorporated by law in any of the State of India;  
or
    - (ii) any other university or institution, which is declared by the government to be a recognized university or institution for the purposes of these rules;

- (g) "Service" means any Group 'A' Service, Group 'B' Service and Group 'C' Service constituted in connection with the affairs of the State of Punjab as per scales given in the Appendix;
- (h) "Service Rules" means the service rules made under Article 309 of the Constitution of India regulating the recruitment and conditions of service other than the general and common conditions of service of persons appointed to any service or post in connection with the affairs of the State of Punjab; and
- (i) (i) "War Hero" means a defence services personnel or a para-military forces personnel, who is a *bona fide* resident of Punjab State and has been killed or discharged from service on account of disability suffered by him on or after 1st January, 1999, while fighting in a war declared so by Government of India, in operations in Kargil or any other sector in J&K in the on going conflict with Pakistan or in any other operations which may be notified by the State Government to have been undertaken for preserving the unity and integrity of the Country; or
- (ii) a defence services personnel or a para-military forces personnel who was a *bona fide* resident of Punjab State and was posthumously decorated with Paramvir Chakra, Mahavir or Vir Chakra: provided that :-
  - (a) In exceptional instances, the cases of such War Heroes may also be covered, with the prior approval of the Department of Personnel who though *bona fide* residents of Punjab State are yet closely connected to the State of Punjab;
  - (b) In the case of War Heroes, falling in the category (ii) above, the benefits to be given by the State Government will be restricted only to the first generation dependent members/next of the kin.

Note:- The Government reserves the right to include any other category of Awardees for the purpose of providing employment to the category of War Heroes, as may be notified.

3. **Nationality, domicile and character of persons appointed to the Service.-**

- (1) No person shall be appointed to the Service unless he is, -
  - (a) a Citizen of India ; or
  - (b) a Citizen of Nepal; or
  - (c) a subject of Bhutan ; or
  - (d) a Tibetan refugee who came over to India before the 1st day of January, 1962 with the intention of permanently settling in India; or
  - (e) a person of India origin who has migrated from Pakistan, Burma, Sri Lanka and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India:

Provided that a person belonging to any of the categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of Punjab in the Department of Home Affairs and Justice.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or the Board, as the case may be, on his furnishing proof that he has applied for the certificate but he shall not be appointed to the Service unless the necessary certificate is given to him by the Government of Punjab in the Department of Home Affairs and Justice.

(3) No person shall be recruited to the Service by direct appointment, unless he produces:-

- (a) a certificate of character from the Principal Academic Officer of the university, college, school or institution last attended, if any, and similar certificates from two responsible persons not being his relative, who are well acquainted with him in his private life and are unconnected with his university, college, school or institution; and
- (b) an affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed or removed from service of any State Government or of Government of India, or of any Public Sector Undertaking.

4. **Disqualifications.**— (1) No person-

- (a) who has entered into or contracted a marriage with a person having a spouse living ;  
or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the Service:

Provided that the Government, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Age.**— (1) No person shall be recruited to the Service by direct appointment, if he is less than eighteen years or is more than thirty seven years of age in the case of technical and non-technical posts on the first day of January of the year immediately preceding the last date, fixed for submission of applications by the Commission or the Board, as the case may be:

Provided that where different lower and upper age limits have been specifically prescribed for posts in the Service Rules, these limits shall be made applicable for appointment to such posts:

Provided further that the upper age limit may be relaxed up to forty five years in the case of persons already in the employment of the Punjab Government or any

Board, Corporation, Commission or Authority under it, other State Government or the Government of India:

Provided further that in the case of candidates belonging to Scheduled Castes and other Backward Class, the Upper age limit shall be such as may be fixed by the government from time to time.

- (2) In the case of ex-servicemen, the upper age limit shall be such as has been prescribed in the Punjab Recruitment of Ex-servicemen Rules, 1982 as amended from time to time.
- (3) In the case of appointment on compassionate grounds on priority basis, the upper age limit shall be such as may be specifically fixed by the Government from time to time.
- (4) In the case of appointment of a war Hero, who has been discharged from defence services or para-military forces on account of disability suffered by him or his widow or dependent member of his family, the upper age limit shall be such as may be specifically fixed by the Government from time to time.

**5A. Increase in upper age limit:-** Notwithstanding anything contained in rule 5, on and with effect from the commencement of the Punjab Civil Services (General and Common Conditions of Service) Amendment Rules, 2010, where in any other Service rules, or in Government instructions, the upper age limit for appointment to any Service or for any category or persons, if different from thirty-five years, it shall be deemed to have increased by two years.

**6. Qualification etc.-** Subject to the provisions of these rules, the number and character of posts, method or recruitment and educational qualifications and experience for appointment to a post or posts in a Service and the departmental examination, if any, shall be such as may be specified in the Service Rules made for that Service:

Provided that where appointment of Group 'A' and Group 'B' non-technical post is offered to a war hero, who has been discharged from defence services or para-military forces on account of disability suffered by him or his widow or dependent member of his family, under the instructions issued in this behalf by the Government, the educational qualification to be possessed by such person shall be graduation from a recognized university. Such person who is offered Group 'A' or Group 'B' or Group 'C' non-technical post, shall not, however, be required to possess experience of technical or non-technical post at the time of his initial appointment.

**7. Probation.-(1)** A person appointed to any post in the Service shall remain on probation for a period of three years, if recruited by direct appointment and one year if recruited otherwise:

Provided that, -

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) in the case of an appointment by transfer, any period of work on an equivalent or higher rank, prior to appointment to the Service, may in the discretion of the appointing authority, be allowed to count towards the period of probation;

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- (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation; and
  - (d) any kind of leave not exceeding six months during or at the end of period of probation, shall be counted towards the period of probation.
- (2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or he has failed to pass the departmental examination, if any, prescribed in Service Rules within a period not exceeding one and a half years from the date of appointment, it may,-
- (a) if such person is recruited by direct appointment, dispense with his service or revert him to a post on which he held lien prior to his appointment to the Service by direct appointment; and
  - b) if such person is appointed otherwise –
    - (i) revert him to his former post; or
    - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may-
- (a) if his work and conduct has in its opinion been satisfactory –
    - (i) confirm such person, from the date of his appointment or from the date he completes his period of probation satisfactorily, if he is not already confirmed; or
    - (ii) declare that he has completed his probation satisfactorily, if he is already confirmed; or
  - (b) If his work or conduct has not been, in its opinion, satisfactory or if he has failed to pass the departmental examination, if any, specified in the Service Rules -
    - (i) dispense with his services, if appointed by direct appointment or if appointed otherwise revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit;
    - (ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-rule (1) :

Provided that the total period of probation including extension, if any, shall not exceed four years, if recruited by direct appointment and three years if appointed otherwise.

8. **Seniority.**-The seniority *inter se* of persons appointed to posts in each cadre of a Service shall be determined by the length of continuous service on such post in that cadre of the Service:

Provided that in the case of persons recruited by direct appointment who join within the period specified in the order of appointment or within such period as may be extended from time to time by appointing authority subject to a maximum of four months from the date of order of appointment, the order of merit determined by the Commission or the Board, as the case may be, shall not be disturbed:

Provided further that in case a person is permitted to join the post after the expiry of the said period of four months in consultation with the Commission or the Board, as the case may be, his seniority shall be determined from the date he joins the post:

Provided further that in case any person of the next selection has joined a post in the cadre of the concerned Service before the person referred to in the preceding proviso joins, the person so referred shall be placed below all the persons of the next selection, who join within the time specified in the first proviso:

Provided further that in the case of two or more persons appointed on the same date, their seniority shall be determined as follows : -

- (a) a person appointed by direct appointment shall be senior to a person appointed otherwise;
- (b) a person appointed by promotion shall be senior to a person appointed by transfer;
- (c) in the case of persons appointed by promotion or transfer, the seniority shall be determined according to the seniority of such persons in the appointment from which they were promoted or transferred ; and
- (d) in the case of persons appointed by transfer from different cadres their seniority shall be determined according to pay, preference being given to a person who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same, then by their length of service in these appointments; and if the length of such service is also the same, an older person shall be shall be senior to a younger person :

Provided further that in the case of persons recruited by direct appointment in the same cadre obtaining equal marks, during same selection process, their inter-se-seniority shall be determined on the basis of their age. That is, an older person shall be senior to the younger person.

**Note:-** Seniority of persons appointed on purely provisional basis or on *ad hoc* basis shall be determined as and when they are regularly appointed keeping in view the dates of such regular appointment.

9. **Liability of members of Service to transfer.-** A member of a Service may be transferred to any post whether included in any other service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Service Rules, Volume-1 Part-1.

10. **Liability to Serve.-** A member of the Service shall be liable to serve at any place, whether within or out of the State of Punjab, on being ordered so to do by the appointing authority.

11. **Leave, Pension and other matters.-** In respect of pay , leave, pension and all other matters not expressly provided for in these rules, a member of Service shall be governed by such rules and regulations as may have been or may here after be adopted or made by the competent authority.

12. **Discipline, penalties and appeals.**-(1) In the matter of discipline, punishment and appeals, a member of a Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to impose penalties specified in rule 5 of Punjab Civil Services (Punishment and Appeal) Rules, 1970, and the appellate authority thereunder in respect of the Government employee shall be such as may be specified in the Service Rules.

13. **Liability for vaccination and re-vaccination.**- Every member of the Service shall get himself vaccinated and re-vaccinated when Punjab Government so directs by a special or general order.

14. **Oath of allegiance.** - Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

**\*14A Minimum Educational and other Qualifications for appointment to the post of Senior Assistant by –**

Direct Appointment	Promotion
<p>No person shall be given direct appointment to the post of Senior Assistant under the Punjab Government, unless he -</p> <p>(i) Possesses the Bachelor's Degree from a recognised University or Institution; and</p> <p>(ii) Qualifies in the competitive test specified by the appointing authority from time to time; and</p> <p>(iii) Possesses at least one hundred and twenty hours course with hands on experience in the use of Personal Computer or Information Technology in Office Productivity applications or Desktop Publishing applications from a Government recognised institution or a reputed institution, which is ISO 9001, certified</p> <p style="text-align: center;">OR</p> <p>Possesses a Computer information Technology course equivalent to 'O' level certificate of Department of Electronics Accreditation of Computer Course (DOEACC) of Government of India;</p> <p>(2) The person so appointed as Senior Assistant in terms of the Provisions of sub-rule (1), shall have before his appointment, passed a test in English and Punjabi respectively, typewriting on Computer to be conducted by the Board or the appointing authority or the Department of Information Technology, as the case may be, at a speed of thirty words per minute:</p>	<p>From amongst the clerks, who have an experience of working as such for a minimum period of four years.</p>



Provided that where appointment of Group 'B' non-technical post is offered to a War Hero, who has been discharged from Defence Services or dependent member of his family under the instructions issued in this behalf by the Government, the educational qualifications to be possessed by such person shall be Graduate from a recognised University or Institution. However, such person shall not be required to qualify the test in Punjabi type-writing as provided in sub-rule (2).	
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**15. Minimum educational and other qualifications. -**

- (1) (i) No person shall be given direct appointment to the post of Clerk under the Punjab Government unless he possesses the Bachelor's Degree from a recognised university or institution; and
- (ii) Possesses at least one hundred and twenty hours course with hands on experience in the use of Personal Computer or Information Technology in Office Productivity applications or Desktop Publishing applications from a Government recognized institution or a reputed institution, which is ISO 9001, certified.

OR

- Possesses a Computer information Technology course equivalent to 'O' level certificate of Department of Electronics Accreditation of Computer Courses (DOEACC) of Government of India;
- (2) The person so appointed as Clerk in terms of the provisions of sub-rule (1) shall have before his appointment passed a test in English and Punjabi , respectively typewriting on computer, to be conducted by the Board or the appointing authority or the Department of Information Technology, as the case may be, at a speed of thirty words per minute:

Provided that where appointment of Group 'C' non-technical post is offered to a War Hero, who has been discharged from Defence services; or dependent member of his family under the instructions issued in this behalf by the Government, the educational qualification to be possessed by such person shall be Graduate from a recognised university or institution. However, such person shall not be required to qualify the test in Punjabi typewriting as specified in sub-rule (2).

**\*15A. Minimum Educational and others Qualifications for appointment to the post of Senior Scale Stenographer by –**

Direct appointment	Promotion
<p>No Personal shall be given direct appointment to the post of Senior Scale Stenographer under the Punjab Government unless he –</p> <p>(i) Possesses the Bachelor's Degree from a recognised university or Institution; and</p> <p>(ii) Qualifies in a Stenography test in four paras (two in Punjabi and two in English language) containing 250 words each as follows :-</p> <p>(a) the passage in Punjabi shall be dictated at a speed of 100 words per minute in Punjabi language required to be transcribed these (at typewriter/computer) at a speed of 20 words per minute; and</p> <p>(b) The passage in English shall be dictated at a speed of 60 words per minute in English language required to be transcribed these (at typewriter/computer) at the speed of 12 words per minute.</p> <p>(iii) The candidates committing not more than 4% mistakes in aggregate and only if he/she qualifies the stenography test in both the languages shall be considered to have qualified the test for appointment as Senior Scale Stenographer.</p> <p>iv) Possesses at least one hundred and twenty hours course with hands on experience in the use of Personal Computer or Information Technology</p>	<p>i) From amongst the Junior Scale Stenographers, who have an experience of working as such for a minimum period of one year.</p> <p>Provided that if the Junior Scale Stenographer is not available then from amongst the Steno typists, who have an experience of working as such for a minimum period of four years; and</p> <p>ii) Qualifies in a Stenography test in four paras (two in Punjabi and two in English language) containing 250 words each as follows:-</p> <p>(a) the passage in Punjabi shall be dictated at a speed of 100 words per minute in Punjabi language required to be transcribed these (at typewriter/computer) at a speed of 20 words per minute; and</p> <p>(b) The passage in English shall be dictated at a speed of 60 words per minute in English language required to be transcribed these (at typewriter/computer) at the speed of 12 words per minute.</p> <p>(iii) The candidates committing not more than 4% mistakes in aggregate and only if he/she qualifies the stenography test in both the languages shall be considered to have qualify the test for promotion as Senior Scale Stenographer.</p>

<p>in Office Productivity applications or Desktop Publishing applications from a Government recognized Institution or a reputed Institution, which is ISO 9001, certified.</p> <p>OR</p> <p>Possesses a computer Information Technology course equivalent to 'O' level certificate of Department of Electronics Accreditation of Computer Course (DOEACC) of Government of India.</p>	
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16. **Minimum educational and other qualifications for appointment to the post of Steno-typist or Junior Scale Stenographer.-** No person shall be given direct appointment to a post of a Steno-typist or a Junior Scale Stenographer under the Punjab Government unless he :-

- (a) Possesses Bachelor's Degree from a recognized University or Institution, and
- (b) Qualifies a test in Punjabi Stenography to be held by the Board or by the appointing authority at a speed specified by the Government from time to time; and
- (c) Possesses at least one hundred and twenty hours course with hands on experience in the use of Personal Computer or Information Technology in Office Productivity applications or Desktop Publishing applications from Government recognized institution or a reputed institution, which is ISO 9001, certified

OR

Possesses a Computer Information Technology Course equivalent to 'O' level certificate of Department of Electronics Accreditation of Computer Courses (DOEACC) of Government of India.

17. **Knowledge of Punjabi Language.-** No person shall be appointed to any post in any Service by direct appointment unless he has passed Matriculation examination with Punjabi as one of the compulsory or elective subjects or any other equivalent examination in Punjabi language, which may be specified by the Government from time to time:

Provided that where a person is appointed on compassionate grounds on priority basis under the instructions issued in this behalf by the government from time to time, the person so appointed shall have to pass an examination of Punjabi Language equivalent to Matriculation standard or he shall have to qualify a test conducted by the Language Wing of the Department of Education of Punjab Government within a period of six months from the date of his appointment:

Provided further that where educational qualifications for a post in any service are lower than Matriculation standard, then the person so appointed shall have to pass an examination of Punjabi Language equivalent to Middle standard:

Provided further that where a War Hero, who has been discharged from Defence Services or paramilitary forces on account of disability suffered by him or his widow or dependent member of his family, is appointed under the instructions issued in this behalf by the Government, the person so appointed will not be required to possess aforesaid knowledge of Punjabi Language:

Provided further that where a ward of Defence Service Personnel, who is a *bona fide* resident of Punjab State, is appointed by direct appointment, he shall have to pass an examination of Punjabi Language equivalent to Matriculation standard or he shall have to qualify a test conducted by the Language Wing of the Department of Education of Punjab Government within a period of two years from the date of his appointment.

**18. Promotion to Group 'A' and Group 'B' Service. -**

- (1) (a) For promotion to the post as Head of Department would be decided strictly on the basis of merit-cum-seniority as per the instructions issued by the Government from time to time. The minimum benchmark for promotion for such post would be 'Very Good'. The officer who is graded, as 'Outstanding' would supersede the officer graded as 'Very Good'.
- (b) For promotion to post falling in the Group 'A' other than Head of Department, the minimum benchmark will be 'Very Good' as per the instructions issued by the Government from time to time. There shall be no supersession on the basis of merit.
- (c) For promotion to post falling in Group 'B' the minimum benchmark will be 'Good' and there shall be no supersession on the basis of merit.
- (2) **Debaring for consideration for promotion of a Government Employee who refuses to accept promotion. -** In the event of refusal to accept promotion by a member of a Service, he shall be debarred by the appointing authority from consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion:

Provided that in a case where the appointing authority is satisfied that a member of the Service has refused to accept promotion under the circumstances beyond his control, it may exempt such a member for reasons to be recorded therefor in writing from the operation of this rule.

**19. Power to relax. -** Where the Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons:

Provided that the provisions relating to educational qualifications and experience, if any, shall not be relaxed

20. **Over-riding effect.**—The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any rules for the time being in force for regulating the recruitment and conditions of service for appointment to public service and posts in connection with the affairs of the State.

21. **Interpretation.**— If any question arises as to the interpretation of these rules, the Government shall decide the same.

**A.S. CHATTHA,**  
Chief Secretary to Government of Punjab.

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**ANURAG VERMA,**  
Additional Chief Secretary to Government of Punjab,  
Department of Home Affairs and Justice.

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**PART III**  
**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**NOTIFICATION**  
The 7th February, 2023

**No. 10 Rules/II.D17.-**  
**Guidelines for Recording of Evidence of Vulnerable Witnesses**

In pursuance to the directions issued by Hon'ble Supreme Court of India in **Smruti Tukaram Badade versus State of Maharashtra in Miscellaneous Application No. 1852 of 2019 in Criminal Appeal No. 1101 of 2019** and in exercise of the powers vested in it in this behalf, the High Court of Punjab and Haryana at Chandigarh, do hereby, formulate the following **Guidelines for Recording Evidence of Vulnerable Witnesses:-**

**Preamble**

The purpose of this protocol is to present guidelines and recommendations to improve the response of the justice dispensation system towards vulnerable witnesses.

This protocol prescribes guidelines while recording depositions of vulnerable witnesses in order to enable them to give their best evidence in criminal proceedings. Each witness is unique and is to be addressed accordingly. The vulnerability of a witness may emerge from a range of circumstances which include, but are not limited to - nature of crime, threats and intimidation, fear of reprisal, age, developmental levels, gender identity, sexual minorities, ethnicity, religious identity, caste, physical and/or mental disability, lack of infrastructural support, language barriers, geographical location etc. Some of the most challenging cases before judges during the course of their careers are those involving vulnerable witnesses such as children, victims of sexual offences or domestic violence, persons with disabilities, and witnesses experiencing threats to their life and property, among others. Vulnerable witnesses find their interaction with the legal process, especially the criminal justice process intimidating, particularly the courtroom experience. Under these circumstances, unless adequate support is provided, a vulnerable witness may not feel safe to provide robust testimony. Further, the lengthy process of navigating the adversarial criminal justice system or the civil justice system can affect the vulnerable witness' psychological well-being in significant and long-lasting ways.

To respond effectively to the needs of vulnerable witnesses, the justice system needs to respond proactively with sensitivity in an enabling and age-appropriate manner, so that the judicial process is less traumatic and secondary victimisation can be minimised. Sensitive engagement and suitable modifications of existing procedures (within the framework of the law), while ensuring the rights of the accused or the opposite party, can significantly impact the quality of deposition by vulnerable witnesses and potentially the outcome of a trial.

These Guidelines have been developed in furtherance of the Supreme Court's directions in *Smriti Tukaram Badade v. State of Maharashtra*,<sup>1</sup> and have been drawn from the Guidelines for recording of evidence of vulnerable witnesses in criminal matters prepared by the Delhi High Court and the *Protocol for Recording Evidence of Vulnerable Witnesses* notified by the Jammu and Kashmir High Court, as well as relevant statutory provisions, judgments, and international standards relevant to vulnerable witnesses.

#### **Objectives of these Guidelines**

1. To enable vulnerable witnesses to depose freely before any court in a safe and secure environment.
2. To minimize harm or secondary victimization of vulnerable witnesses in anticipation and as a result of participation in the justice system.
3. To ensure that the rights of all the parties in the judicial processes are effectively implemented. In the context of the criminal process - the accused's right to a fair trial and due process, the right of the victim to take part effectively in the proceedings, to be treated sensitively and not be subject to secondary victimization, and the protection of the rights of a vulnerable witness (who may not necessarily be a victim), are effectively implemented.

#### **Applicability**

##### **1. Short Title, extent and commencement-**

- a. These guidelines shall be called, "*Guidelines for recording evidence of vulnerable witnesses*".
- b. Unless otherwise provided, these guidelines shall govern the examination of vulnerable witnesses who are victims<sup>2</sup> or witnesses in any case.
- c. They shall apply to every court, including Juvenile Justice Boards in the States of Punjab, Haryana and Union Territory Chandigarh.
- d. Their application shall commence from the date of publication in the official gazettes of the States of Punjab, Haryana and Union Territory Chandigarh.

##### **2. Construction of the guidelines-**

These guidelines shall be liberally construed and interpreted, in view of the extant laws, to uphold the interests of vulnerable witnesses and to promote their maximum accommodation without prejudice to the right of the accused to a fair trial and due process.

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<sup>1</sup> *Smriti Tukaram Badade v. State of Maharashtra*, 2022 LiveLaw(SC) 80.

<sup>2</sup> *Code of Criminal Procedure 1973, Section 2-(wa)*.

**3. Definitions -**

a. **Vulnerable Witness** – For the purpose of these guidelines, “vulnerable witness” means and includes-

- (i) any child victim or witness who has not completed 18 years of age;
- (ii) any victim of an offence under the POCSO Act, 2012
- (iii) any victim of an offence under Sections 376(1), 376(2), 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E, 354, 354A, 354B, 354C, 354D and 377 of the Indian Penal Code;
- (iv) any person with disability as defined under Section 2(s) of the Rights of Persons with Disabilities Act, 2016 and considered to be a vulnerable witness by the concerned court;
- (v) any witness suffering from “mental illness” as defined under Section 2(s) of the Mental Healthcare Act, 2017 read with Section 118 of the Indian Evidence Act, 1872;
- (vi) any witness deemed to have a threat perception under the Witness Protection Scheme, 2018 of the Union Government as approved by the Supreme Court in *Mahender Chawla v. Union of India*<sup>3</sup> ; and
- (vii) any other witness deemed to be vulnerable by the concerned court,<sup>4</sup> [including Family Courts, Children’s Courts, Juvenile Justice Board, civil and criminal courts, or any tribunal or forum.]\*

**\*Subject to clarificatory orders of the Supreme Court.**

- b. **Support Person** – Means and includes Support Persons assigned by the Child Welfare Committee under the POCSO Rules, 2020 to render assistance to the child through the process of investigation and trial, or any other person assisting a child in the pre-trial or trial process in respect of an offence under the POCSO Act,<sup>5</sup> support person or para legal volunteer provided by the Legal Services Authority under the Juvenile Justice (Care and Protection of Children) Model Rules, 2016,<sup>6</sup> or any other person appointed by the court to provide support including psycho-social support, accompany and assist the vulnerable witness, whether minor or major, to testify or attend judicial proceedings.
- c. **Best Interests of the Child** – means the basis of any decision taken regarding the child, to ensure fulfilment of the child’s basic rights and needs, identity, social well- being and physical, emotional and intellectual development.<sup>7</sup>

<sup>3</sup> *Mahender Chawla v. Union of India*, (2019) 14 SCC 615.

<sup>4</sup> *Smriti Tikaram Badade v. State of Maharashtra*, 2022 LiveLaw (SC) 80; *Sakshi v. Union of India*, AIR 2004 SC 3366 para 34.

<sup>5</sup> POCSO Rules 2020, Rules 2(1)(f), 4(8), and 5(6)

<sup>6</sup> *Juvenile Justice (Care and Protection of Children) Model Rules 2016*, Rule 54(14).

<sup>7</sup> *Juvenile Justice (Care and Protection of Children) Act 2015*, Section 2(9).



- d. **Development Level** – Development level refers to the specific growth phase in which most individuals are expected to behave and function in relation to the advancement of their physical, mental, socio economical, cognitive and moral abilities.
- e. **In-Camera Proceedings** – means proceedings wherein the court allows only those persons who are necessary to be present while hearing the witness deposing in the court.<sup>8</sup>
- f. **Concealment of identity of witness** – Means and includes any legislative provision or judicial ruling prohibiting the disclosure of the name, address, school, family, relatives, neighbourhood or any other information which may lead to the identification of a vulnerable witness in print, electronic, social media, etc. or made known to the public at large during investigation, trial and post-trial stage.<sup>9</sup>
- g. **Comfort Items** – Comfort items mean any article of choice of the vulnerable witness which may have a calming effect at the time of deposition and may include stuffed toy, blanket or book.
- h. **Court House Tour** means a pre-trial tour of the courtroom and court complex by the Support Person or a para-legal volunteer, as the case may be, to familiarize a vulnerable witness with the environment and the basic process of adjudication and roles of each court official.<sup>10</sup>
- i. **Live Link** – ‘Live link’ means and includes a live television link, audio-video electronic means or other arrangement whereby a witness, while not being physically present in the courtroom<sup>11</sup> is nevertheless present in the courtroom by remote communication using technology to give evidence and be cross-examined.
- j. **Special Measures** – means and includes the use of legislative provisions, and any mode, method and instrument, etc., considered necessary for providing assistance in recording deposition of vulnerable witnesses.
- k. **Testimonial Aids** – means and includes screens; single visibility mirrors, curtains,<sup>12</sup> live links, image and/or voice altering devices,<sup>13</sup> or any other technical devices, facilities and equipment.

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<sup>8</sup> The definition has been adapted from Witness Protection Scheme 2018, Clause 2(f).

<sup>9</sup> POCSO Act 2012, Section 33(7); JJ Act 2015, Section 74; Indian Penal Code 1860, Section 228A; Nipun Saxena v. Union of India, (2019) 2 SCC 703; Witness Protection Scheme 2018, Clause 2(b); Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Section 15A (8) (a)(b).

<sup>10</sup> Juvenile Justice (Care and Protection of Children) Model Rules, 2016, Rule 54(14); Alternative Pre-trial and Trial Processes for Child Witnesses in New Zealand’s Criminal Justice System, Issue Paper, Min. of Justice, New Zealand Govt. 2010.

<sup>11</sup> Sec 275 Cr.P.C; Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, CJSHL, UK.

<sup>12</sup> POCSO Act 2012, Section 36(2).

<sup>13</sup> Witness Protection Scheme, 2018, Clause 7(1); Mahender Chawla v. Union of India, (2019) 14 SCC 615.

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- l. **Secondary Victimization** – means victimization that occurs not as a direct result of a criminal act but through the response of institutions and individuals to the victim.<sup>14</sup>
  - m. **Revictimization** – means a situation in which a person suffers more than one criminal incident over a period of time.<sup>15</sup>
  - n. **Waiting Room** – A safe place for vulnerable witnesses where they can wait.
  - o. **Special Measures Direction** – The concerned court shall direct as to which special measure will be used to enable a vulnerable witness to depose freely and in a safe, accessible, and comfortable environment. Directions may be discharged or varied during the proceedings, but normally continue to be in effect until the proceedings are concluded.
  4. **Applicability of guidelines to all vulnerable witnesses-**  
For the avoidance of doubt, it is made clear that these guidelines shall apply to all vulnerable witnesses as defined in Rule 3(a) of these Guidelines, regardless of which party is seeking to examine the witness.
  5. **No inference of prejudice to be drawn from special measures-**The fact that a witness has had the benefit of a special measure to assist them in deposition, shall not be regarded in any way whatsoever as being prejudicial to the position of the other side and this should be made clear by the judge at the time of passing order in terms of these guidelines to the parties when the vulnerable witness is examined.
  6. **Identification of Stress causing factors of adversarial Criminal Justice System-** The Court shall consider the following factors which cause stress, especially but not only limited to child witnesses, rendering them further vulnerable witnesses, and impeding complete disclosure, and take necessary steps to mitigate or minimize the stress. The factors include, amongst others:<sup>16</sup>
    - a. Multiple depositions
    - b. Not using developmentally appropriate language
    - c. Delays and repeated adjournments
    - d. Testifying more than once
    - e. Prolonged/protracted court proceedings
    - f. Lack of communication between professionals including police,
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<sup>14</sup> UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime, 2009.

<sup>15</sup> UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime, 2009.

<sup>16</sup> *State v. Sujjet Kumar*, 2014(4) JCC 2718 (High Court of Delhi); *Breaking the Cycle of Violence: Recommendations to Improve the Criminal Justice Response to Child Victims and Witnesses*, US Dept. of Justice.

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doctors, lawyers, prosecutors, investigators, and mental health practitioners, and lack of convergence with authorities such as Child Welfare Committees, District Child Protection Units, One Stop Centres etc.

- g. Fear of public exposure
- h. Anxiety about threats from the accused and/or their associates
- i. Confusion and guilt about testifying against a family member or relative
- j. Lack of understanding of complex legal procedures
- k. Face-to-face contact with the accused
- l. Practices insensitive to developmental needs
- m. Aggressive and inappropriate cross-examination, including asking irrelevant questions
- n. Lack of adequate support, witness protection, and victims services
- o. Sequestration of witnesses who may be supportive to the vulnerable witness
- p. Placement that exposes the vulnerable witness to intimidation, pressure, or continued abuse
- q. Lack of preparation to enable fearless and robust testifying
- r. Worry about not being believed especially when there is no evidence other than the testimony of the vulnerable witness
- s. Worry about being yelled at, ridiculed, or getting into trouble for testifying
- t. Worry about retaliation or repercussions for themselves or their family
- u. Worry about not being understood or being able to communicate effectively
- v. Formality of court proceedings and surroundings including formal dress of members of the judiciary and legal personnel
- w. Inaccessibility of the courtroom, particularly for vulnerable witnesses with disabilities

**7. Competency of vulnerable witness-**

Every vulnerable witness shall be presumed to be competent to testify as a witness, unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions due to tender years, disability, either of body or mind, and illness, or any other cause of the same kind, in

accordance with Section 118 of the Indian Evidence Act, 1872.<sup>17</sup>

**Explanation:** A mentally ill person may also be held competent unless the person is prevented by the illness to understand questions.<sup>4</sup>

When conducting the competency examination, the court shall not use “general knowledge” or “current affairs” questions to adjudge competence. Similarly, philosophical questions, such as, what truth means should be strictly avoided.

8. **Persons allowed at competence assessment-** Only the following may be allowed to attend the competence assessment:
  - a. the judge and such court personnel deemed necessary and specified by order of the judge concerned;
  - b. the counsel for the parties;
  - c. the guardian ad litem;
  - d. non-offending parent, guardian, friend, relative of a child victim or a person in whom the child has trust or confidence;<sup>18</sup>
  - e. one or more support persons for a child victim or witness;
  - f. translator, interpreter, expert or special educator, if necessary;<sup>19</sup>
  - g. person familiar with the manner of communication of a vulnerable witness with intellectual or physical disability;<sup>20</sup>
  - h. the accused, unless the court determines that competence requires to be and can be fully evaluated in their absence; and
  - i. any other person, who in the opinion of the court can assist in the competence assessment.
9. **Conduct of competence assessment-** The assessment of a person, as to their competence as a witness shall be conducted only by the presiding judge.
10. **Pre-trial visit of Witnesses to the Court-** Vulnerable witnesses shall be allowed a pre-trial court house tour or tour of the civil court or Juvenile Justice Board, etc., along with the support person<sup>21</sup> or para-legal volunteer, as the case may be, to enable such witnesses to familiarize themselves with the layout, and may include visit to and explanation of the following:

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<sup>17</sup> Indian Evidence Act 1872, Section 118.

<sup>18</sup> POCSO Act 2012, Section 33(4); Juvenile Justice (Care and Protection of Children) Model Rules 2016, Rule 54(18)(i).

<sup>19</sup> POCSO Act 2012, Section 38(1).

<sup>20</sup> POCSO Act 2012, Section 38(2); Right of Persons with Disabilities Act 2016, Section 12.

<sup>21</sup> Juvenile Justice (Care and Protection of Children) Model Rules, 2016, Rule 54(14).

- a. the location of the accused in the dock;
  - b. court officials (what their roles are and where they sit);
  - c. who else might be in the court;
  - d. the location of the witness box;
  - e. a run-through of basic court procedure;
  - f. the facilities available in the court which may include the waiting room, toilet, separate passage for entry and exit, and testimonial aids;
  - g. discussion of any particular fears or concerns, including concerns regarding safety in relation to the accused, with the support person, prosecutors and the judge to dispel the fear, trauma and anxiety in connection with the upcoming deposition at court;<sup>22</sup>
  - h. demonstration of any special measures applied for and/or granted, for example practising on the live link and explaining who will be able to see them in the courtroom, and showing the use of screens (where it is practical and convenient to do so).<sup>23</sup>
11. **Meeting the judge-** The Judge may meet a vulnerable witness suo motu on reasons to be recorded or on an application of either party in the presence of the prosecution and defence lawyer, or in their absence before the witness gives their evidence, for explaining the court process in order to help them to understand the procedure and give their testimony, free of fears and concerns.
12. **Assistance of an interpreter, translator, special educator or expert-**
- (i) The court shall ensure that proceedings relevant to the testimony of a vulnerable witness or witness are conducted in language that is simple and comprehensible to the witness.
  - (ii) Wherever necessary, the court may, suo motu or upon an application presented by either party or a Support Person of vulnerable witnesses take the assistance of a qualified and experienced interpreter, translator, special educator or expert, to enable recording of evidence of vulnerable witnesses, and on payment of such fees as may be prescribed by the State Government or authority concerned.<sup>24</sup>

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<sup>22</sup> POCSO Rules 2020, Rule 4(9).

<sup>23</sup> *Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, UK; Safeguarding Children as Victims and witnesses, UK.*

<sup>24</sup> POCSO Act, Section 38(1); Rights of Persons with Disabilities Act 2016, Section 12; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Clause 14.

- (iii) The concerned court may consider the qualifications prescribed for interpreters, translators, sign language interpreters, special educators and experts in Rule 5, POCSO Rules, 2020 or any other laws, rules, or judgments of the High Court or Supreme Court in this regard.
  - (iv) The court may also take the assistance of a person familiar with the manner of communication of a vulnerable witness with physical or intellectual disability while recording evidence.<sup>25</sup>
  - (v) If, in view of the vulnerable witnesses' age, level of maturity or special individual needs of a witness, which may include but are not limited to disabilities (if any), ethnicity, poverty or risk of revictimization, the witness requires special assistance measures in order to testify or participate in the justice process, such measures shall be provided free of cost.
  - (vi) If the court appoints an interpreter, translator, special educator or expert, the respective counsel for the parties shall pose questions to the vulnerable witness only through them, either in the words used by counsel or, if the vulnerable witness is not likely to understand the same, in words, signs, or by such mode as is comprehensible to the vulnerable witness and which conveys the meaning intended by the counsel.
13. **Legal assistance and legal aid-** The concerned court shall facilitate the right of a child victim under the POCSO Act to take assistance of a legal counsel of their choice.<sup>26</sup> Further, any vulnerable witness who falls within the ambit of Section 12, Legal Services Authorities Act, 1987 or any other laws, rules, or policies that recognise their right to free legal aid may be provided with legal aid by the court either:<sup>27</sup>
- a. based on a request by or on behalf of the vulnerable witness; or
  - b. pursuant to an order of the court on its own motion.
14. **Court to allow presence of Support Persons-**
- (i) The court shall inform vulnerable witnesses that they may take the assistance of a Support Person during the trial. In cases under the POCSO Act, 2012, the concerned court shall take into consideration the role of the Support Persons as provided in Rule 4(9), POCSO Rules, 2020.
  - (ii) The court shall allow suo motu or on request, verbal or written, the presence of a Support Person of the choice of the vulnerable witness in the courtroom during the deposition,<sup>28</sup> provided that such support

<sup>25</sup> POCSO Act, Section 38(2); Rights of Persons with Disabilities Act 2016, Section 12.

<sup>26</sup> POCSO Act, Section 40; Juvenile Justice (Care and Protection of Children) Model Rules 2016, Rule 54(19).

<sup>27</sup> Delhi Domestic Working Women's Forum v. Union of India, 1995 1 SCC 14 (Supreme Court).

<sup>28</sup> POCSO Act 2012, Section 33(4); POCSO Rules 2020, Rule 4(9); ECOSOC Resolution 2005/20, Guidelines

person shall not completely obscure the witness from the view of the accused or the judge.

- (iii) The court may allow the Support Person to take appropriate steps to provide emotional support to the vulnerable witness in the course of the proceedings<sup>29</sup> and also inform the court if the vulnerable witness needs a break or is feeling stressed or triggered.
- (iv) The court shall instruct the Support Person not to prompt, sway, influence or tutor the vulnerable witness during their testimony.
- (v) Where no other suitable person is available, and only in very rare cases should another witness in the case, whose deposition has already been completed in all respects, be appointed as a Support Person. The court shall ordinarily appoint a neutral person, other than a parent, as a Support Person. It is only in exceptional circumstances keeping the condition of the vulnerable witness in mind, that the court should appoint a parent as a Support Person. In POCSO cases, however, care shall be taken to ensure that the provisions of the POCSO Rules, 2020 regarding engagement of Support Persons are adhered.
- (vi) The court shall allow Support Persons to coordinate with the other stakeholders such as police, Special Juvenile Police Unit (SJPU), medical officer, prosecutors, mental health professionals, Child Welfare Committee, Juvenile Justice Board, defence counsels and courts.
- (vii) As far as possible, the concerned court shall ensure the continuity of the same Support Person during the deposition.
- (viii) If the Support Person is also a witness in the case, their testimony shall be recorded, ahead of the testimony of the vulnerable witness.

15. **Right to be informed-** A vulnerable witness, their parents or guardian, lawyer, the Support Person, if designated, or other appropriate person designated to provide assistance shall, from their first contact with the court process and throughout that process, be promptly informed by the Court about the stage of the process and, to the extent feasible and appropriate, about the following:<sup>30</sup>
- a. charges brought against the accused, or if none, the stay of proceedings against them;<sup>31</sup>

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*on Justice in Matters Involving Child Victims and Witnesses of Crime, clause 30(a); Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Clause 14.*

<sup>29</sup> *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Clause 6(a).*

<sup>30</sup> *POCSO Rules 2020, Rule 4(15).*

<sup>31</sup> *Model Guidelines under Section 39 of the Protection of children from Sexual Offences Act, 2012.*

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- b. the progress of the case;<sup>32</sup>
  - c. procedures of the criminal justice process including the role of vulnerable witnesses, the importance, timing and manner of testimony, and the ways in which proceedings will be conducted during the trial;<sup>33</sup>
  - d. existing support mechanisms for a vulnerable witness when participating in proceedings, including services of a Support Person;<sup>34</sup>
  - e. schedule of court proceedings that the vulnerable witness is either required to attend or is entitled to attend and the specific time and place of hearings and other relevant processes;<sup>35</sup>
  - f. right of the informant or person authorised by the informant to be present at the time of hearing of the bail application of an accused under Sections 376(3), 376AB, 376DA, or 376DB of the Indian Penal Code, 1860,<sup>36</sup> or under the POCSO Act.<sup>37</sup>
  - g. right of vulnerable victims and their dependents to reasonable, accurate and timely notice of court proceedings and bail proceedings under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989;<sup>38</sup>
  - h. right of vulnerable victims and their dependents to be heard during proceedings of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989;<sup>39</sup>
  - i. availability of public and private emergency, and crisis services, including shelters;
  - j. availability of protective measures;

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<sup>32</sup> Model Guidelines under Section 39 of the Protection of children from Sexual Offences Act, 2012.

<sup>33</sup> ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 19(b). Declaration of Basic Principles of Justice of Crime and Abuse of Power, Clause 6(a).

<sup>34</sup> ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 19(a).

<sup>35</sup> ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 19(d).

<sup>36</sup> Code of Criminal Procedure 1973, Section 439 (1-A).

<sup>37</sup> *Reena Jha v. Union of India*, W.P. (C) 5011/2017 decided by the Delhi High Court on 25.11.2019; *Miss G v. NCT of Delhi*, Cri. M.C. 1474/2020 (High Court of Delhi); *Arjun Kishanrao Malge v. State of Maharashtra*, PIL No. 5/2021 decided by the Bombay High Court on 08.04.2021; *Akash Chandrakar v. State of Chhattisgarh*, Criminal Appeal No. 101 of 2021 decided by the Chhattisgarh High Court on 19.01.22; *Rohit v. State of U.P.*, Bail No. 8227/2021 decided by the Allahabad High Court on 06.08.21.

<sup>38</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Section 15A(3).

<sup>39</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Section 15A (5); ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 21.



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- k. availability of victim's compensation benefits;
  - l. availability of legal aid;<sup>40</sup>
  - m. availability of institutional and non-institutional care under the juvenile justice system for vulnerable witnesses who may come under the ambit of a "child in need of care and protection";
  - n. relevant rights of child victims and witnesses under the POCSO Act and Rules, JJ Act, 2015 and Model Rules or applicable State Rules, and other applicable laws, as well as the United Nations Convention on the Rights of the Child and other international legal instruments, including the Guidelines and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985;
  - o. the progress and disposition of the specific case, including in a criminal case the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments and the outcome of the case and sentence imposed;
  - p. all decisions, or at least those decisions affecting the interests of the victim or vulnerable witness;<sup>41</sup>
  - q. the process for appeal against the order of the court.
16. **Waiting area for vulnerable witness-** The courts shall ensure that a waiting area for vulnerable witnesses with the support person, and the lawyer of the vulnerable witness, if any, is separate from waiting areas used by other persons.<sup>42</sup> Care shall be taken to ensure that the waiting room is used only by the vulnerable witness and the non-offending family members and support persons. The waiting area should be accessible to all vulnerable witnesses, including those with disability.<sup>43</sup> The waiting area for vulnerable witnesses should be furnished so as to make a vulnerable witness comfortable. This may include, but not be limited to, being furnished and equipped with toys, books, games, drawing and painting materials and other such activities, TV, etc which can help lower the anxiety of the witness.<sup>44</sup> It could include a place for very young child witnesses to rest or sleep. Accessible toilets and drinking water facilities should also be available inside the waiting room or within close proximity. The approach to the
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<sup>40</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 19(a).

<sup>41</sup> Model guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012.

<sup>42</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 31(b).

<sup>43</sup> Rights of Person with Disabilities Act 2016, Section 12.

<sup>44</sup> Juvenile Justice (Care and Protection of Children) Model Rules 2016, Rule 54(12).

waiting area shall be in such a way that allows the witness to access it with ease and without having to confront other litigants, police, or the accused and their associates. The waiting area needs to be equipped with a digital “Case Number Display Monitor” that shows the case being called in the court. Arrangements for the vulnerable witness to depose from the waiting area, which may include monitors and screens for recording of the evidence of the child shall be made available.

**17. Duty to provide comfortable environment-**

(i) It shall be the duty of the court to ensure a comfortable environment for the vulnerable witness by issuing directions and also by supervising the location, movement and deportment of all persons in the courtroom including the parties, their counsel, vulnerable witnesses, Support Persons, guardian *ad litem*, facilitator, and court personnel.<sup>45</sup>

(ii) Separate and safe waiting areas and passage thereto should be provided for vulnerable witnesses.

(iii) Care shall be taken to ensure that the vulnerable witness courtroom is accessible to persons with disabilities.

(iv) The vulnerable witness may be allowed to testify from a place other than the witness chair. The witness chair or other place from which the vulnerable witness testifies may be turned to facilitate their testimony but the accused or the opposite party and their counsel must have a frontal or profile view of the vulnerable witness even by a video link, during the testimony of the vulnerable witness. The witness chair or other place from which the vulnerable witness testifies may also be rearranged to allow the vulnerable witness to see the accused or the opposite party and their counsel, if the vulnerable witness chooses to look at them, without turning their body or leaving the witness stand.

(v) In case of a victim of a sexual offence, care should be taken to avoid exposure of the victim to the accused at the time of recording the evidence, while ensuring the right of cross-examination of the accused<sup>46</sup> and that the accused is in a position to hear the statement of the child and communicate with their advocate.<sup>47</sup>

(vi) While deciding to make available such an environment, the judge may be dispensed with from wearing their judicial robes.<sup>48</sup>

(vii) Access to creche facilities within the court premises should be enabled for vulnerable witnesses who may require child care facilities on the date of their deposition.

<sup>45</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 30(d).

<sup>46</sup> Code of Criminal Procedure 1973, Section 273.

<sup>47</sup> POCSO Act 2012, Section 36(1); JJ Model Rules 2016, Rule 54(18 (xi)).

<sup>48</sup> *Virender v. State of NCT Delhi*, Crl. A.No. 121/08 dt. 29.09.09 decided by the High Court of Delhi.

**18. Directions for Judges of Criminal Courts, Children's Courts and Juvenile Justice Boards<sup>49</sup>**

(i) Vulnerable witnesses shall receive high priority and shall be dealt with as expeditiously as possible, minimizing unnecessary delays and adjournments to avoid repeated appearances of the witness in the Court.<sup>49</sup> (Whenever necessary and possible, the court schedule will be altered to ensure that the testimony of the vulnerable witness is recorded on sequential days, without delays.)

(ii) Judges and court administrators should ensure that the developmental needs of vulnerable witnesses are identified, recognized and accommodated in the arrangement of the courtroom and recording of the testimony. For instance, judges should use developmentally appropriate language, schedule hearings for the record of testimony bearing in mind the attention span, physical needs and exam schedules of young vulnerable witnesses, and allow the use of testimonial aids as well as interpreters, translators, when necessary.

(iii) The judges should ensure that vulnerable witnesses with disability are able to exercise their right to access the court without discrimination on the basis of disability.<sup>50</sup> In case of a victim under Sections 354, 354A, 354-B, 354-C, 354-D, 376(1), 376(2), 376-A, 376-B, 376-C, 376-D, 376-E, or 509, IPC, where the victim is temporarily or permanently mentally or physically disabled, their statement under Section 164(5-A) shall be considered as a statement in lieu of examination-in-chief.<sup>51</sup>

(iv) Additional measures may be taken to enable the recording of evidence of vulnerable witnesses with disability. For instance, steps can be taken to record witness testimony in compliance with Section 278, Cr.PC in Braille to ensure a vulnerable witness is not dependant on another person to read their testimony out; use of amplification devices/ document magnifiers/ ensuring that all notices that require a response or an action to be taken (e.g. summons, orders) are available by accessible means and in accessible formats; use of video and audio guides; engagement of sign language interpreters; enabling wheelchair access in the court premises, courtroom and witness box. Adequate time should be given to vulnerable witnesses using communication boards during evidence.

(v) The Court should be satisfied that a victim or vulnerable witness is not scared and that they are able to reveal what happened to them when they are subjected to an examination during recording of evidence.

<sup>49</sup> POCSO Act, 2012, Section 33(5); Code of Criminal Procedure 1973, proviso to Section 309(1); Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Section 14(3); ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 30(c). Declaration of Basic Principles of Justice for Victim for Crime and Abuse of Power, Clause 6(e).

<sup>50</sup> Rights of Persons with Disabilities Act 2016, Section 12; UN Convention on the Right of Persons with Disabilities Article 13.

<sup>51</sup> Code of Criminal Procedure 1973, Section 164(5A)(b).

The Court must ensure that the victim or vulnerable witness is not concealing any portion of evidence for the reason that they were ashamed of what happened to them.<sup>52</sup>

(vi) The Court shall ensure that adequate time and opportunity is given to refresh the memory of vulnerable witnesses.

(vii) In cases of sexual offences, judges should avoid asking the vulnerable witness to demonstrate intimate touching on their own body, during the recording of the testimony and vulnerable witnesses can instead be asked to point to a body outline diagram.<sup>53</sup>

(viii) Judges should be flexible in allowing the vulnerable witnesses to have a Support Person present while testifying and should guard against unnecessary sequestration of Support Persons or any other persons permitted to be present during the testimony of the witness.

(ix) Judges should encourage the victim or vulnerable witness to let the court know if they have a problem, do not understand a question or if they may need a break.<sup>54</sup>

(x) Judges should ensure that steps are taken to ensure the atmosphere is comfortable and not intimidating. For instance, the court may consider allowing a limited number of defence lawyers to be present in the courtroom during the deposition of a vulnerable witness or not allowing counsel to ask questions in an intimidating tone or interrupting the witness.

(xi) Judges shall carefully monitor the examination and cross examination of the victim or vulnerable witnesses to avoid any harassment or intimidation to the victim or vulnerable witness.<sup>55</sup>

(xii) Judges may allow a vulnerable witness to carry a comfort item during the deposition.

(xiii) Judges may provide transport or transportation cost for the vulnerable witness in accordance with the guidelines prescribed by the concerned High Court in this regard.

(xiv) Judges shall ensure that the requisite guidelines and Standard Operating Procedures affirmed by the Hon'ble Supreme Court in respect of recording of evidence of vulnerable witnesses is followed.<sup>56</sup>

<sup>52</sup> *Akshay Sarma v. State of Assam*, (2017)2 GLR 121 (Guahati High Court)

<sup>53</sup> Ministry of Women and Child Development, *Model Guidelines under Section 39 of The Protection of children from Sexual Offences Act, 2012*, p.69.

<sup>54</sup> *Model Guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012*.

<sup>55</sup> *Akshay Sarma v. State of Assam*, (2017)2 GLR 121 (Guahati High Court).

<sup>56</sup> For instance, the SOP laid down in *In Re Children in Street Situations*, 2022 SCC OnLine SC 189 (Supreme Court of India) is to be followed in all criminal trials where the child witnesses do not reside near the Court where the trial is conducted and where the child witnesses virtually, not physically, in these courts where the

**19. Allowing proceedings to be conducted in camera-**

(i) The mandatory requirement of in camera trials as per section 327 CrPC and Section 37 of the POCSO Act shall be ensured and recorded in the orders passed in such cases. In all other cases, the court may, at the time of testimony of a vulnerable witness, order in writing the exclusion from the courtroom of all persons, who do not have a direct interest in the case including members of the press. Such an order may be made to protect the right to privacy of the vulnerable witness or if the court is of the opinion that requiring the vulnerable witness to testify in open court would cause psychological harm to them, hinder the ascertainment of truth, or result in their inability to effectively communicate due to embarrassment, fear, or timidity.

(ii) In making its order, the court shall consider the developmental level of the vulnerable child witness, the nature of the crime, the nature of testimony regarding the crime, the relationship of the child witness to the accused and to persons attending the trial, their wishes, and the interests of their parents or legal guardian.

**20. Live-link television testimony in criminal cases where the vulnerable witness is involved—**

(i) Any party in the case, the prosecutor, counsel or the guardian *ad litem* may apply for an order that the testimony of the vulnerable witness be taken in a room outside the courtroom and be televised to the courtroom by live-link television.<sup>13</sup>

(ii) In order to take a decision of usage of a live-link the judge may question the vulnerable witness in chambers, or in some comfortable place other than the courtroom, in the presence of the support person, guardian *ad litem*, prosecutor, and counsel for the parties. The questions of the judge shall not be related to the issues at trial but to the feelings of the vulnerable witness about testifying in the courtroom.

(iii) The court on its own motion, if deemed appropriate, may pass orders in terms of (i) or any other suitable directions for recording the evidence of a vulnerable witness.

**21. Provision of testimonial aids to prevent exposure of vulnerable witness to the accused-** The court may *suo motu* or on an application made even by the vulnerable witness, prosecutor or counsel or the guardian *ad litem* order testimonial aid such as screens, one-way mirror, curtains or other devices to be placed in the courtroom in such a manner

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*trial is conducted. Judges should also comply with the Witness Protection Scheme 2018 which was approved by the Supreme Court in Mahender Chawla v. Union of India (2019) 14 SCC 615 (Supreme Court of India).*

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that the vulnerable witness cannot see the accused/opposite party while testifying and at the same time ensuring that the opposite party/accused is in a position to hear the statement of the vulnerable witness and communicate with their advocate.<sup>57</sup> The court shall issue an order in writing stating the reasons and describing the approved courtroom arrangement in the judgment.

**22. Factors to be considered while considering the application under Guidelines-**

- (i) The court may order that the testimony of the vulnerable witness be taken by live-link television if there is a substantial likelihood that the vulnerable witness would not provide a full and candid account of the evidence if required to testify in the presence of the accused/opposite party, their counsel or the prosecutor as the case may be or if the vulnerable witness is likely to be traumatised by exposure to the accused.
- (ii) The order granting or denying the use of live-link television shall state the reasons therefore and may consider the following:
  - a. the age and level of development of the vulnerable witness;
  - b. the physical and mental health, including any intellectual or physical disability of the vulnerable witness;
  - c. any physical, emotional, or psychological harm related to the case on hand or trauma experienced by the vulnerable witness;
  - d. the nature of the alleged offence/case and circumstances of its commission;
  - e. any threats against the vulnerable witness;
  - f. the relationship of the vulnerable witness with the accused or adverse party;
  - g. the reaction of the vulnerable witness to any prior encounters with the accused/opposite party in court or elsewhere;
  - h. the reaction of the vulnerable witness prior to trial when the topic of testifying was discussed by parents or professionals;
  - i. specific symptoms of stress exhibited by the vulnerable witness in the days prior to testifying;
  - j. testimony of expert or lay witnesses;
  - k. the custodial situation of the child and the attitude of the members of the child's family regarding the events about which the child will testify;

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<sup>57</sup> POCSO Act 2012, Section 36(1); Code of Criminal Procedure 1973, Section 273; ECOSOC Resolution 2005/20, Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, Clause 31(c).

- l. the wishes of the vulnerable witness on the manner in which they would like to render the testimony; and
- m. other relevant factors, such as court atmosphere and formalities of court procedure.

(iii) The court shall ensure ahead of time that the equipment is working, recordings can be played and that camera angles will not permit the witness to see the defendant. The court shall not wait until the victim or vulnerable witness is in the live link room to run checks: delays and malfunctions can be disruptive to the vulnerable witness. Where a live link is being used during the vulnerable witness's testimony, ensure that they are able to see all of the questioner's face.<sup>58</sup> It should be explained that the judge or magistrates can always see the vulnerable witness over the live video link even when the witness cannot see the judge or magistrates.<sup>59</sup>

### 23. Mode of questioning-

- (i) To facilitate the ascertainment of the truth the court shall exercise control over the questioning of vulnerable witnesses and may do so by:
  - a. ensuring that questions are kept simple and stated in a form appropriate to the comprehension and developmental level of the vulnerable witness;
  - b. protecting vulnerable witness from harassment or undue embarrassment, character assassination, aggressive questioning, and ensure that dignity of the witness is maintained at all times during the trial;<sup>60</sup>
  - c. avoiding waste of time by declining questions which the court considers unacceptable due to their being improper, unfair, misleading, needless, unconnected to the case, repetitive or expressed in language that is too complicated for the witness to understand.
  - d. allowing the vulnerable witness to testify in a narrative form.
  - e. in cases involving multiple accused persons or defendants, take steps to minimize repetition of questions, and the court may require counsels for different parties to provide questions in advance from all the counsels.

<sup>58</sup> Model Guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012.

<sup>59</sup> Model Guidelines under Section 39 of The Protection of Children from Sexual Offences Act, 2012.

<sup>60</sup> POCSO Act 2012, Section 33(6); Indian Evidence Act 1872, Section 53A, 148, 151, 152 and the proviso to Section 146; *State of Punjab v. Gurmit Singh* (1996) 2 SCC 384; *Akshay Sarma v. State Sarma v. State of Assam*, (2017) 2 GLR 121 (Guahati High Court).

f. in cases involving sexual offences against child victims, ensuring that questions are put to the child victim only through the court.<sup>61</sup>

(ii) Objections to questions should be couched in a manner so as not to mislead, confuse, frighten a vulnerable witness.

(iii) The court should allow the questions to be put in simple language avoiding slang, esoteric jargon, proverbs, metaphors and acronyms. The court should ascertain the spoken language of the victim or vulnerable witness and the range of their vocabulary before recording the evidence.<sup>62</sup> The court must not allow the question carrying words capable of multiple meanings, questions having use of both past and present in one sentence, or multiple questions, which is likely to confuse a witness. Where the witness seems confused, instead of repetition of the same question, the court should direct its re-phrasing.

**Explanation:** The reaction of a vulnerable witness shall be treated as sufficient clue that the question was not clear so it shall be rephrased and put to the witness in a different way.<sup>63</sup>

(iv) Given the developmental level of vulnerable witnesses, excessively long questions shall be required to be rephrased and thereafter put to witness.

(v) Questions framed as compound or complex sentence structure; or two part questions or those containing double negatives shall be rephrased and thereafter put to witness.

**24. Rules of deposition to be explained to the Witnesses-** The court shall explain to a vulnerable witness to

(a) Carefully listen to the questions posed and to tell the court the true version of events and, as far as possible (except in the case of very young children) not to respond by shaking their head to mean yes or no, when answering.

(b) To specifically state if the witness does not remember or has forgotten something,

(c) To clearly ask when the question is not understood.

A gesture by a vulnerable witness to explain what had happened shall be appropriately interpreted and recorded in the vulnerable witness' deposition. Assistance of an interpreter or special educator shall be taken if the witness is unable to communicate verbally and such statement should be videographed.<sup>64</sup>

<sup>61</sup> POCSO Act 2012, Section 33(2); *Sakshi v. Union of India*, AIR 2004 SC 3566 (Supreme Court of India).

<sup>62</sup> *Akshay Sarma v. State of Assam*, (2017) 2 GLR 121 (Guahati High Court).

<sup>63</sup> *Virender v. State*, CrI. A.No. 121/08 decided by the Delhi High Court on 29.09.09.

<sup>64</sup> *Indian Evidence Act 1872, Section 119.*



**25. Compensation-**

The court shall apply its mind to the question of award of compensation in every case involving a victim who is a vulnerable witness, having regard to the applicable laws and schemes.<sup>65</sup>

**26. Protection of privacy and safety-** Orders and judgments pertaining to cases involving vulnerable witnesses shall be made available on e-courts or on the official portal of the court after redacting identifying information of Vulnerable witnesses. Any record containing identifying information regarding a vulnerable witness shall be confidential and kept under seal. Except upon written request and order of the court, the record shall only be made available to the following:

- a. Members of the court staff for administrative use;
- b. The Public Prosecutor for inspection;
- c. Defence counsel for inspection;
- d. The guardian *ad litem* for inspection;
- e. Other persons as determined by the court.

**27. Protective order-** The depositions of the vulnerable witness recorded by video link shall not be video recorded except under reasoned order requiring the special measures by the judge. However where any video or audio recording of a vulnerable witness is made, it shall be under a protective order that provides as follows:

- (i) A transcript of the testimony of the vulnerable witness shall be prepared and maintained on record of the case. Copies of such transcript shall be furnished to the parties of the case.
- (ii) Recording may be viewed only by parties, their counsel, their expert witness, and the guardian *ad litem* in the office of the court, following a procedure similar to inspection of documents.
- (iii) No person shall be granted access to the recording, or any part thereof unless they sign a written affirmation that they have received and read a copy of the protective order; that they submit to the jurisdiction of

<sup>65</sup> *Code of Criminal Procedure 1973, Section 357, 357A; POCSO Act 2012, Section 33(8) and POCSO Rules 2020, Rule 9; NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes-2018; Ankush Shivaji Gaikwad v. State of Maharashtra, AIR 2013 SC 2454 (Supreme Court of India); Nipin Saxena v. Union of India, Writ Petition(s) (Civil) No(s). 565/2012 order of the Supreme Court dated 11.05.2018; Suresh v. State of Haryana, 2014 SCC OnLine SC952 (Supreme Court of India); Bodhisattwa Gautam v. Miss Subhra Chakraborty, AIR 1996 SCC 922 (Supreme Court of India); Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Clause 12.*

the court with respect to the protective order; and that in case of violation thereof, they will be subject to the penalties provided by law.

(iv) Any recording, if made available to the parties or their counsel, shall bear the following cautionary notice:

“This object or document and the contents thereof are subject to a protective order issued by the court in (case title), (case number). They shall not be examined, inspected, read, viewed, or copied by any person, or disclosed to any person, except as provided in the protective order. No additional copies of the tape or any of its portion shall be made, given, sold, or shown to any person without prior court order. Any person violating such protective order is subject to the contempt power of the court and other penalties prescribed by law.”

(v) No recording shall be given, loaned, sold, or shown to any person except as ordered by the court. This protective order shall remain in full force and effect until further order of the court.

28. **Personal details during evidence likely to cause threat to physical safety of vulnerable witness to be excluded-** A vulnerable witness has a right at any court proceeding not to testify regarding personal identifying information, including their name, address, telephone number, school, and other information that could endanger their physical safety or that of their family. The court may, however, require the vulnerable witness to testify regarding personal identifying information in the interest of justice.

29. **Destruction of videotapes and audiotapes-** Any video or audio recording of a vulnerable witness produced under the provisions of these guidelines or otherwise made part of the court record shall be destroyed as per rules formed by the concerned High Court.

30. **Protective measures-** At any stage in the justice process where the safety of a vulnerable witness is deemed to be at risk, depending upon the intensity of the threat perception, the court shall suo motu arrange to have protective measures put in place for the vulnerable witness or refer the matter to the Competent Authority under the Witness Protection Scheme, 2018.<sup>66</sup> Those measures may include the following:

- a. prohibiting direct or indirect contact between a vulnerable witness and the accused/opposite party at any point in the justice process;<sup>67</sup>
- b. restraint orders;<sup>68</sup>

<sup>66</sup> *Mahender Chawla v. Union of India*, (2019) 14 SCC 615 (Supreme Court of India); *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, Clause 6(d).

<sup>67</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 34(a).

<sup>68</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 34(b).

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- c. direct continuation of bail conditions during trial;<sup>69</sup>
  - d. protection for a vulnerable witness by the police or other relevant agencies and safeguarding the whereabouts of the vulnerable witness from disclosure;<sup>70</sup>
  - e. any other protective measures that may be deemed appropriate, including those stipulated under the Witness Protection Scheme, 2018.
31. **Review and Monitoring-** The implementation of the guidelines shall be reviewed annually and for this purpose the High Court concerned shall engage independent research bodies or organisations, reputed academic institutions or Universities or constitute a multi-disciplinary Committee including experts having the experience of working with vulnerable witnesses. The recommendations received shall be promptly acted upon and the guidelines may also be updated based on relevant legal developments.
- Additional Guidelines specific to child victims and witnesses**
32. **Developmentally appropriate questions for child witnesses-** The questions asked to assess the competency of a child witness shall be appropriate to the age and developmental level of the child; shall not in any manner be related to the issues at trial; and shall focus on the ability of the child to remember, communicate, distinguish between truth and falsehood, and appreciate the duty to testify truthfully.<sup>71</sup>
33. **Appointment of Guardian *ad litem*-** The court may appoint any person as guardian *ad litem* as per law to a vulnerable child witness who is a victim of, or a witness to a crime having regard to their best interests, after considering the background of the guardian *ad litem* and their familiarity with the judicial process, social service programs, and human development, giving preference to the parents of the child, if qualified. The guardian *ad litem* may be a member of bar / practicing advocate, except a person who is a witness in any proceeding involving the vulnerable witness.
34. **Duties of guardian *ad litem*-** It shall be the duty of the guardian *ad litem* of the vulnerable child witness so appointed by court to:
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<sup>69</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 34(c).

<sup>70</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 34(e).

<sup>71</sup> *State v. Rahul*, 2013 IVAD 745 (High Court of Delhi), *State v. Sujeet Kumar*, 2014(4) JCC 2718 (High Court of Delhi).

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- a. attend all depositions, hearings, and trial proceedings in which a vulnerable witness participates.
  - b. make recommendations to the court concerning the best interest of the vulnerable witness keeping in view the needs of the witness and observing the impact of the proceedings on the witness.
  - c. explain in a language understandable to the vulnerable witness, all legal proceedings, including police investigations, status and progress of the trial, child-friendly measures and rights, and witness protection measures, in which the vulnerable witness is involved;
  - d. assist the vulnerable witness and their family in coping with the emotional effects of participating in any case/proceedings, especially the crime and subsequent criminal or non-criminal proceedings in which the vulnerable witness is involved;
  - e. remain with the vulnerable witness while the vulnerable witness waits to testify.
35. **Testimony during appropriate hours-** The court may order that the testimony of the child witness or child victim should be taken during a time of day when the vulnerable witness is well-rested and does not clash with their routine activities like meal and sleep timings, attending school/exams or other activities specific to that witness.<sup>72</sup>
36. **Frequent breaks during testimony-** The child witness or child victim may be allowed reasonable periods of relief and breaks while undergoing depositions, as often as necessary, depending on their age, disability, and developmental need.<sup>73</sup>
37. **Measures to protect the privacy and well-being of child victims and witnesses-**
- (i) Confidentiality of vulnerable witnesses and judicial transparency are not mutually exclusive and vulnerable victims'/witnesses' right to information and access to court records in their own case shall not be restricted in the name of protecting their privacy and confidentiality. It is possible for courts to maintain anonymity of vulnerable witnesses through simple name suppression measures which would then enable the release of court documents without endangering their privacy. Best practices from various countries and international tribunals and courts may be adapted for the purpose of balancing confidentiality and judicial data accessibility and transparency.<sup>74</sup>
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<sup>72</sup> ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 30(d).

<sup>73</sup> POCSO Act 2012, Section 33(3), ECOSOC Resolution 2005/20, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, Clause 30(d).

<sup>74</sup> HAQ Centre for Child Rights, *Balancing Children's Confidentiality and Judicial Accountability: A Cross-*

(ii) To ensure the privacy and physical and mental well-being of a child victim and to prevent undue distress and secondary victimization, taking into account the best interests of the vulnerable witness, the court may order one or more of the following measures to protect the privacy and physical and mental well-being of the vulnerable child witness or victim:<sup>75</sup>

- a. concealing from the public record any names, addresses, workplaces, professions or any other information that could lead to the identification of the child victim or witness in orders, judgments, or any case records accessible to the public.<sup>76</sup> Where the accused is related to the child victim, care shall also be taken to redact the identity of the accused before making the order or judgment accessible to the public;<sup>77</sup>
- b. prohibiting the defence lawyer and persons present in the court room from revealing the identity of the vulnerable witness or disclosing any material or information that would lead to the identification of the vulnerable witness in the media;
- c. protecting the identity of child victims and permitting disclosure in accordance with relevant statutory provisions and judicial precedents;<sup>78</sup>
- d. assigning a pseudonym or a number to a child victim in cases of sexual offences, in which case the full name and date of birth of the child shall be revealed to the accused for the preparation of their defence. In other cases, a pseudonym may be assigned as per request of the parties;
- e. avoiding exposure to the accused by using screens or single visibility mirror;
- f. through examination in another place, transmitted simultaneously to the courtroom by means of video link; through a qualified and suitable facilitator, such as, but not limited to, an interpreter for vulnerable witness with hearing, sight, speech or other disabilities;
- g. holding in-camera trials;

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*Country Comparison of Best Practices Regarding Children's Privacy in the Criminal Justice System*, <<https://www.hqcrcc.org/new-at-haq/balancing-childrens-confidentiality-and-judicial-accountability/>>.

<sup>75</sup> Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Clause 6(d).

<sup>76</sup> POCSO Act 2012, Section 33(7); JJ Act 2015, Section 74; Indian Penal Code 1860, Section 228A, *Nipin Saxena v. Union of India*, (2019)2 SCC 703, Witness Protection Scheme, 2018, Clause 2(b). Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 15A(8)(a)(b). ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime Clause 27.

<sup>77</sup> For instance, in cases of incest where the accused is the father, the child become identifiable immediately if the name of the father appears in the judgment copy available on e-courts or any other publicly accessible domain.

<sup>78</sup> POCSO Act, 2012, Section 33(7); Indian Penal Code 1860, Section 228A(2); Code of Criminal Procedure 1973, Section 327 (3); *Nipin Saxena v. Union of India*, (2019)2 SCC 703 (Supreme Court of India).

- h. if the child victim or witness refuses to give testimony in the presence of the accused or if circumstances show that the child may be inhibited from speaking freely in that person's presence, the court shall give orders to temporarily remove the accused from the courtroom to an adjacent room with a video link or a one way mirror visibility into the courtroom. In such cases, the defence lawyer shall remain in the courtroom and question the vulnerable witness, and the accused's right of confrontation shall thus be guaranteed;
  - i. taking any other measure that the court may deem necessary to advance the right to privacy, including, where applicable, anonymity, taking into account the best interests of the child witness and the rights of the accused.
- (iii) Orders and judgments pertaining to cases involving vulnerable child witnesses shall be made available on e-courts or on the official portal of the court after suppressing their identifying information.
38. **Standard Operating Procedure to be followed during virtual examination of child witnesses-** Judges shall ensure that the Standard Operating Procedure affirmed by the Hon'ble Supreme Court of India in *In Re Children in Street Situation*<sup>79</sup> is adhered to in all criminal trials where the child witness does not reside near the court where the trial is conducted and where the child witness is examined virtually, not physically, by the court in which the trial is conducted.
39. **Man-power required for smooth and efficient functioning of vulnerable witness deposition centre-** The requisite man-power for smooth and efficient functioning, management and regulation of the affairs of Vulnerable Witness Deposition Centre including keeping and maintaining of records and data etc. shall be determined by the High Court from time to time.
40. **Application of Rules for Video Conferencing for Courts:-** Wherever applicable or in case of any ambiguity, 'Rules for Video-Conferencing for Courts' contained in Punjab and Haryana High Court Rules and Orders Volume I, III & V or any other rules as framed by the High Court of Punjab and Haryana in this regard shall apply.
41. **Residual provisions:-** Matters concerning which no provision is made in these guidelines shall be decided by the Court consistent with the interest of vulnerable witnesses without prejudice to the rights of accused to a fair trial.

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<sup>79</sup> *In Re Children in Street Situations*, 2022 SCC Online SC 189 (Supreme Court of India).

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42. **Booking of slot for examination of vulnerable witnesses in Vulnerable Witness Deposition Centre:-** On receipt of requisitions from different courts relating to the examination of vulnerable witnesses in the Vulnerable Witness Deposition Centre, the officer-in-charge of Vulnerable Witness Deposition Centre shall book date and time slot for such examination, enter the slot booking in a register to be maintained by him and communicate the same to the concerned courts well in advance.
43. **Man-power required for smooth and efficient running of Vulnerable Witness Deposition Centre:**
- (a) Officer-in-charge: The officer-in-charge shall be designated by the concerned District & Sessions Judge who shall ensure management and regulation of the affairs of Vulnerable Witness Deposition Centre including keeping and maintaining of records and data etc.
- (b) Technical Assistant-cum-Coordinator: The Technical Assistant shall be appointed/designated by the District & Sessions Judge who shall apart from providing technical support at all ends in smooth and effective running of Vulnerable Witness Deposition Centre, assist the officer-in-charge of Vulnerable Witness Deposition Centre in managing and regulating the affairs of Vulnerable Witness Deposition Centre. Wherever applicable, he shall also function as remote point coordinator under 'Rules for Video-Conferencing for Courts' contained in Punjab and Haryana High Court Rules and Order, Volume I, III & V.
- Till the said arrangement is made, the System Officer/System Assistant/District System Administrator shall function as technical assistant of Vulnerable Witness Deposition Centre.

**BY ORDER OF HON'BLE THE CHIEF JUSTICE AND  
JUDGES.**

**ARUNKUMARAGGARWAL**  
Registrar (Rules),  
for Registrar General.

**PART IV**

**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CORRECTION SLIP**

The 7th February, 2023

**No. 44 Rules/II.D4.~**

Pursuant to formulation of 'Model Rules on e-filing' by Hon'ble E-Committee, Supreme Court of India, sent vide letter dated 24.06.2020, Hon'ble the Chief Justice and Judges of this Court have been pleased to make '**The Electronic Filing (E-Filing) Rules**' to be inserted as Part-BC of Chapter 1 of the Rules and Orders of Punjab and Haryana High Court, Volume-III :-

"The procedure for Electronic Filing (e-filing) in Subordinate Courts shall be followed as prescribed in Part-J of Chapter-1 of Rules and Orders of Punjab and Haryana High Court, Volume-V titled as "**THE ELECTRONIC FILING (E-FILING) RULES**".

**BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES.**

**ARUNKUMAR AGGARWAL,**

Registrar (Rules),  
for Registrar General.



**PART IV**

**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**CORRECTION SLIP**

The 7th February, 2023

**No. 85 Rules/II.D4.—**

Pursuant to formulation of 'Model Rules on e-filing' by Hon'ble E-Committee, Supreme Court of India, sent vide letter dated 24.06.2020, Hon'ble the Chief Justice and Judges of this Court have been pleased to make 'The Electronic Filing (E-Filing) Rules' to be inserted as Part-Q of Chapter 1 of the Rules and Orders of Punjab and Haryana High Court, Volume-I :-

"The procedure for Electronic Filing (e-filing) in Subordinate Courts shall be followed as prescribed in Part-J of Chapter-1 of Rules and Orders of Punjab and Haryana High Court, Volume-V titled as "**THE ELECTRONIC FILING (E-FILING) RULES**".

**BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES.**

**ARUN KUMAR AGGARWAL,**  
Registrar (Rules),  
for Registrar General.

**PART IV**  
**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**CORRECTION SLIP**

The.7<sup>th</sup> February, 2023

**No. 190 Rules/II.D4.-**

Pursuant to formulation of 'Model Rules on e-filing' by Hon'ble E-Committee, Supreme Court of India, sent vide letter dated 24.06.2020, Hon'ble the Chief Justice and Judges of this Court have been pleased to make '**The Electronic Filing (E-Filing) Rules**' to be inserted as Part-J of Chapter 1 of the Rules and Orders of Punjab and Haryana High Court, Volume-V as under :-

**THE ELECTRONIC FILING (E-FILING) RULES**

In exercise of powers under Articles 225 and 227 of the Constitution of India and all other powers enabling it in this behalf the High Court of Punjab and Haryana at Chandigarh makes the following rules:

**1. Nomenclature**

**These rules will be called 'THE ELECTRONIC FILING (E-FILING) RULES'.**

**2. Applicability and Commencement:**

These rules will be applicable to the High Court of Judicature at Punjab & Haryana and to the Courts and Tribunals over which it has supervisory jurisdiction.

These Rules shall come into force from the date of notification in the official gazettes of Punjab, Haryana and U.T. Chandigarh.

These Rules will apply to on-line e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centres. The rules will apply to such categories of cases or proceedings as would be notified by the High Court. These Rules amend and consolidate the existing Rules and Practice Directions except in the matter of filing hardcopies till the issuance of appropriate direction on creation of paperless court.

**3. Definitions**

**3.1 Action:** includes all proceedings instituted in the Court or Tribunal such as suits, petitions, criminal complaints, appeals, civil or criminal writ petitions, revision petitions, contempt petitions, execution petitions, arbitration petitions, probate cases, caveats, miscellaneous cases, cancellation or untraced reports, reports under Section 173 of Code of Criminal Procedure, 1973 and interlocutory applications.

**3.2 Administrator:** means in case of High Court, the Registrar (IT) or an officer appointed by the Chief Justice and in case of District Court, the officer or official appointed by the District and Sessions Judge concerned, for administering and dealing with matters connected with or relating to e-filing.

**3.3 Bench:** means and includes one or more Judges assigned to adjudicate upon Actions or the presiding officer of the Court or Tribunal as the case may be.

- 3.4 **Chief Justice:** means the Chief Justice of High Court of Punjab & Haryana at Chandigarh.
- 3.5 **Physical Filing:** means Actions and pleadings filed as hard copies.
- 3.6 **Designated Counters:** means and includes those counters that may be included in Appendix-I from time to time.
- 3.7 **District Courts:** means and includes the courts established and functioning under the control and supervision of the High Court.
- 3.8 **District and Sessions Judge:** in relation to these rules means the District & Sessions Judge of the district concerned.
- 3.9 **Electronic Filing (e-filing):** means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.
- 3.10 **Evidence:** means and includes evidence as defined under the Indian Evidence Act, 1872.
- 3.11 **High Court:** High Court means the High Court of Punjab & Haryana at Chandigarh.
- 3.12 **Objections:** means and includes deficiencies and errors pointed out by the Registry/office in relation to the Actions instituted in the Court or Tribunal.
- 3.13 **Opposite Party:** means defendant(s), accused, respondents, judgment debtor(s) and non-applicant(s).
- 3.14 **Party:** means caveator(s), appellant(s), plaintiff(s), petitioner(s), decree holder(s), complainant(s) and applicant(s).
- 3.15 **Pleadings:** means pleadings filed in support or defence of an Action including replication, affidavits, additional affidavits and supplementary affidavits.
- 3.16 **PDF:** means an electronic document filed in a portable document format.
- 3.17 **PDF/A:** means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
- 3.18 **Registry:** in case of High Court means the Registry of High Court and in case of District Courts/Tribunal means the office of District and Sessions Judge/Tribunal.
- 3.19 **Statement of Defence:** means and includes written statements, replies, counter-affidavits and additional or supplementary affidavits.
- 3.20 **Technical failure:** means a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.
- 3.21 **Third Party:** means and includes any person or entity seeking to become a party or to intervene in an Action.
- 3.22 **Working Day:** means and includes a day when the Registry/office of the Court or Tribunal is working under the Calendar published or as directed by the Court.

**4 General Instructions:** Following or as may be prescribed by the Chief Justice:-

- 4.1 On-line e-filing in High Court or District Court shall be made by visiting the web portal of the Court, namely <https://efiling-phc.ecourts.gov.in/> or by clicking on e-filing link on the official website of High Court.
- 4.2 Except as provided in these Rules, Actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in-person from their home, office or other remote location in the manner provided in these Rules.
- 4.3 Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose, upon payment of charges, if any prescribed by the High Court.
- 4.4 The size of the e-file should not exceed the limit as prescribed on web-portal from time to time. In case the file size exceeds the prescribed limit, the Advocate or litigant should visit any one of the Designated Centres for enabling e-filing through the intranet.

**5 Steps for Registration**

- 5.1 Persons other than Advocates and litigants in-person who are already registered on the Court web portal will take the following steps to register themselves:

**i) Advocates**

- a) Should visit the web portal (<https://efiling-phc.ecourts.gov.in/>) to view the form.
- b) Click the registration link. Select the option of 'Advocate'.
- c) Fill the form with requisite details.
- d) Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in PDF format only).

**ii) Litigants in-person**

- a) Should visit the web portal (<https://efiling-phc.ecourts.gov.in/>) to view the form.
- b) Click the registration link. Select the option of 'Party in-person'.
- c) Fill the form with requisite details.
- d) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).

- 5.2 Litigants in-person shall submit an affidavit/undertaking that they have not engaged an Advocate in the Action. A litigant in-person, who subsequently engages an Advocate, shall make an application before the Administrator for transferring the data in respect of the Action to the Advocate's account. Once the Administrator allows the application, the data in the Action shall be transferred in the user account of the Advocate. The litigant in-person will not be in a position to modify the data of the subject Action, without the permission of the Administrator.

- 5.3 A login ID will be allotted on the next working day if the application is found complete in all respects. The procedure for registration is set out in **Appendix-II**.

**6 Frame of Pleadings**

All the pleadings of the parties should be in accordance with Rules and Orders of the Punjab & Haryana High Court and the instructions issued from time to time by the High Court.

**7 Formatting**

- 7.1 All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared as per Rules and Orders of Punjab and Haryana High Court rules and orders and the instructions issued from time to time by the High Court.
- 7.2 The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format PDF/A using any PDF converter or in-built PDF conversion plug-in provided in the software.
- 7.3 A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 DPI (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above and as required in clause 9.1 is set out in **Appendix-III**.

**8 Digital Signatures**

- 8.1 The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on such places on the PDF document as prescribed under the extant rules. If neither the party nor the Advocate who has been engaged possesses a digital signature, a print out of the Action shall be physically signed by the party concerned and/or their Advocate in accordance with rules and it shall thereafter be scanned and uploaded.
- 8.2 A List of recognized Digital Signature Providers and the procedure involved in appending single or multiple signatures is set out in **Appendix-IV**.
- 8.3 A litigant in-person or advocate who does not possess a digital signature issued by the competent authority can authenticate e-filed documents by e-Sign based on Aadhaar authentication.

**9 Dos and Don'ts**

- 9.1 The text documents and scanned documents set out in clauses 7.3 and 8.1 should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Registry. The procedure in this behalf is set out in **Appendix-V**.
- 9.2 The merged documents should be uploaded at the time of on-line e-filing. Screenshots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, replies, replications, rejoinders, affidavits and evidence in a pending case are set out in **Appendix-I**.
- 9.3 Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in-person.
- 9.4 In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.
- 9.5 Special Characters are not allowed while e-filing Memo of Parties and Advocate remarks.
- 9.6 Document Binary File Name Standards  
The following special characters are not allowed in a file name:
- A quotation mark (")
  - A number sign/Pound (#)

- Per cent (%)
- Ampersand (&)
- Asterisk (\*)
- Colon (:)
- Angle brackets (less than, greater than) (<>)
- A question mark (?)
- Backslash (\)
- Forward slash (/)
- Braces (left and right) ({ })
- Pipe (|)
- A tilde (~)
- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each.

- 9.7 On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like. All the e-filed documents shall be legible and free of markings, track changes or annotations.

#### **10 Payment of Court Fees/Other Charges**

Court fee and other charges can be paid either electronically by purchase on the on-line facility provided by the authorised agency or from the Designated Counters provided for the purpose in the High Court and District Courts or from any authorized court fee vendor. The Transaction ID provided upon payment of court fee and other charges is required to be entered in the appropriate field at the time of on-line e-filing.

#### **11 Retention of Originals**

- 11.1 Originals of the documents that are scanned and digitally signed by the Advocate or the litigant in-person at the time of e-filing should be preserved, for production or inspection, as may be directed by the Bench.
- 11.2 The signed vakalatnama, signed and notarized/attested affidavit and any other document whose authenticity is likely to be questioned should be preserved, at least, for two years till after the final disposal of the Action. Final disposal shall include disposal of the Action by the superior appellate court.
- 11.3 Notwithstanding anything above, the following documents will have to be preserved permanently: -
- a) A Negotiable Instrument (other than a cheque) as defined in Section 13 of The Negotiable Instruments Act, 1881 (26 of 1881).
  - b) A Power-of-Attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882).
  - c) A Trust as defined in Section 3 of The Indian Trusts Act, 1882 (2 of 1882).
  - d) A Will as defined in Clause (h) of Section 2 of The Indian Succession Act, 1925 (39 of 1925) including any other testamentary disposition by whatever name called.
  - e) Any contract for the sale or conveyance of immovable property or any interest in such property.
  - f) Any other document as may be directed by the Bench.
- 11.4 The responsibility of producing the originals and proving their genuineness shall be of the party that has electronically filed scanned copies of the document.

**12 Access to the Electronic Data of the Action**

Free of cost access will be available to authorized person(s) to data e-filed by any of the parties to the specific Action, as is presently being provided in pending Actions. This facility shall be in addition to the procedure of obtaining certified copies.

**13 Exemption from e-filing**

Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:-

- i) where on-line e-filing is for reasons set out in the application not feasible; or
- ii) where there are concerns about confidentiality and protection of privacy; or
- iii) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- iv) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
- v) for a just and sufficient cause.

**14 Service of Electronic Documents**

In addition to the prescribed mode of service, notices, documents, pleadings that are filed electronically may also be served through the designated e-mail IDs of Registry officials to the e-mail address of the advocates or parties, if available. E-mail IDs of Registry officials will be published on the Court website to enable the recipients to verify the source of the e-mail.

**15 Computation of Time**

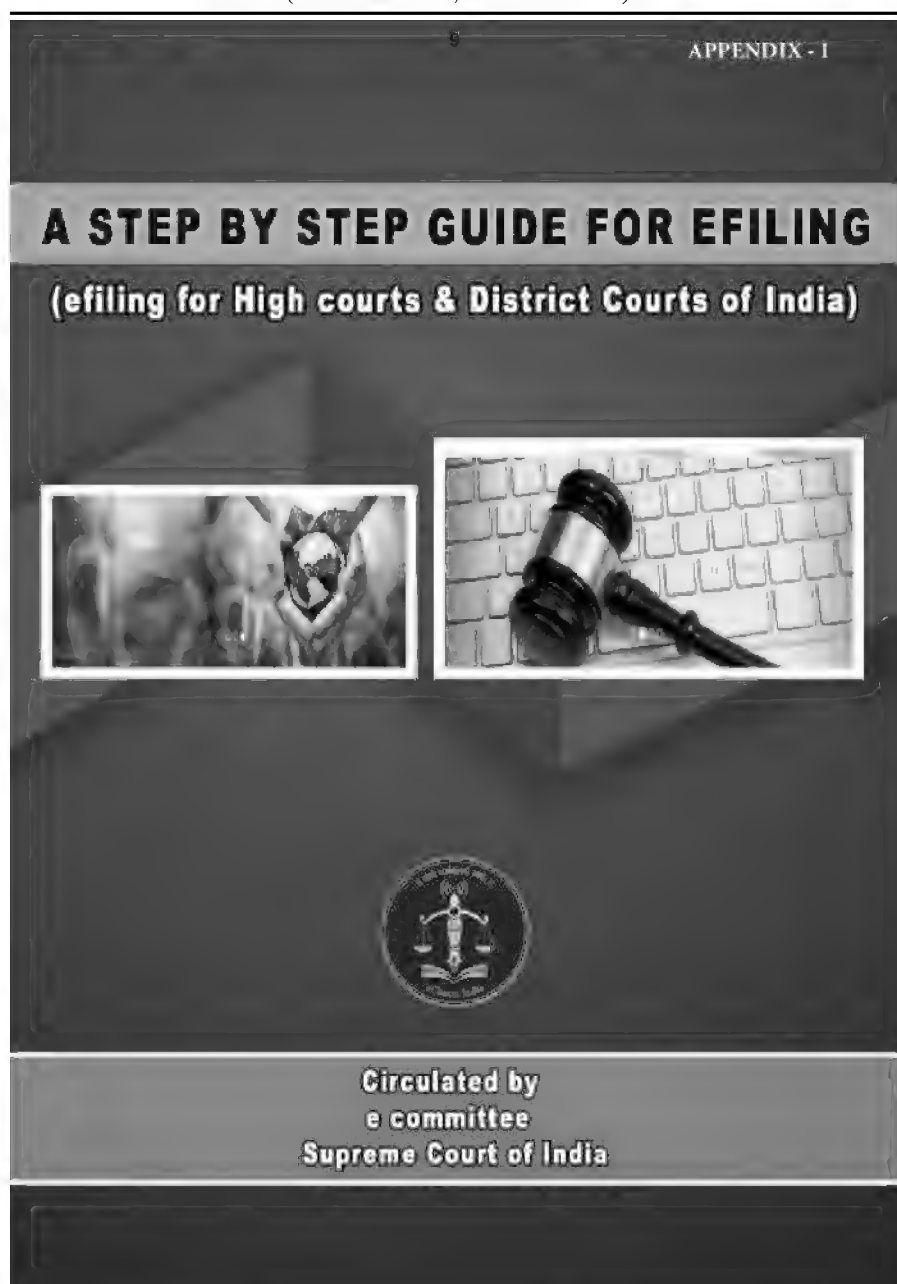
- 15.1 Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time and hardcopy thereof (if required) be provided within the prescribed time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.
- 15.2 E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. On-line e-filing carried out after midnight i.e. 2400 hours of the day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.
- 15.3 The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e-filing between working hours on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based on-line e-filing facility.

- 15.4 Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will commence from the date when e-filing is made as per the procedure prescribed in these Rules.
- 16 Procedure for Filing Caveat**  
All caveats can be filed on-line. The procedure for this purpose is set out in **Appendix-VI**.
- 17 Hard Copies of Pleadings and Documents filed Electronically**  
Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere. The Registry will whenever required prepare hard copies for official use.
- 18 Storage and Retrieval of e-filed Documents and Pleadings**  
E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labelled and encrypted for facilitating easy identification and retrieval. The security of such filings will be ensured.  
Access to e-filings would be restricted in the manner provided herein above and as may be notified from time to time. For continuity of operations in case of disaster, natural calamity or breakdown, a mirror image of e-filings available on the servers located in the Court may be maintained at different geographical locations, as decided from time to time by the Court.
- 19 Residuary provisions**  
19.1 The e-filing made by an Advocate/litigant in-person will be rejected if they do not follow the protocol mandated by these Rules or practice directions.  
19.2 Subject to such further directions as may be issued, it would not be obligatory on the part of the opposite party to accept pleadings and documents by e-mail. In such an eventuality, hard copies of pleadings and documents will have to be provided to the opposite party. In such circumstances, the plaintiff/petitioner can be called upon to deposit the charges calculated on the basis of the number of pages per defendant/respondent which are required to be photocopied. This facility will be provided by the Registry on a written request being made by the defendant(s)/respondent(s).  
19.3 The Registry will communicate the objections, if any, regarding the cases filed by e-mail/SMS/web hosting to the concerned Advocate/litigant in-person. After the objections are cleared the case will be processed for listing and the Advocate/litigant in-person will be informed including by e-mail/SMS.
- 20 General Caution**  
E-mail is not a secure medium of communication. Any communication transmitted by e-mail can be intercepted or read by a third party. An Advocate or litigant in-person seeking to transmit confidential or sensitive document/material shall approach the Registry or requisite assistance/advice.



**Appendices**

- APPENDIX-I**      Screenshots showing the procedure for accessing the on-line portal, electronic filing of documents and list of Designated Counters.
- APPENDIX-II**     Screenshots showing the procedure for registration.
- APPENDIX-III**   Screenshots showing the procedure for converting a document into an OCR searchable PDF.
- APPENDIX-IV**   Screenshots showing the procedure for appending single or multiple digital signatures.
- APPENDIX-V**     Screenshots showing the procedure for book-marking.
- APPENDIX-VI**   Screenshots showing the procedure for filing Caveat.



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# A Step by Step Guide for E-filing

## (For High courts & District Courts of India )

### 1.1.Introduction

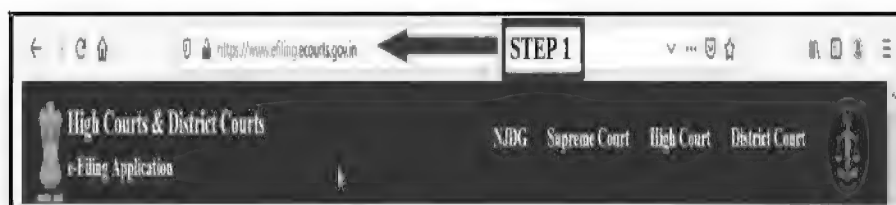
Welcome to the digital world of E-filing of High courts /District courts of India and this user guide will help you with step by step how to efile your case in the online efilng portal. Follow this step by step guide and Start E-filing your cases from the comfort of your Office and And join the new band of **DIGITAL ERA ADVOCATE** .

### 1.2.Getting Started

- Before starting efilng confirm and ensure the following details:
- You must be a registered Advocate in [www.efiling.ecourts.gov.in](http://www.efiling.ecourts.gov.in)
- If you are not a registered Advocate, immediately register today in the efilng portal by watching our helpline tutorial/manual.
- To Watch the Help video / manual click on this hyperlink <https://efiling.ecourts.gov.in/help>.
- Unless you are a registered user you cannot efile a new case
- Keep you registered user name and Password ready. Lets start efilng a new case
- Lets start e filng a new case .

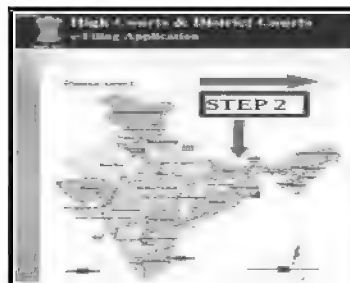
### 1.3 E.Filing portal [www.efiling.ecourts.gov.in/](http://www.efiling.ecourts.gov.in/) <https://efiling-phc.ecourts.gov.in/>

Type ([www.efiling.ecourts.gov.in/](http://www.efiling.ecourts.gov.in/) OR <https://efiling-phc.ecourts.gov.in/>) in your browser you will reach the filing online portal.



## 1.4. Select your< state>

- (i) by clicking on the drop list (or)
- (ii) by clicking the state directly from the India map

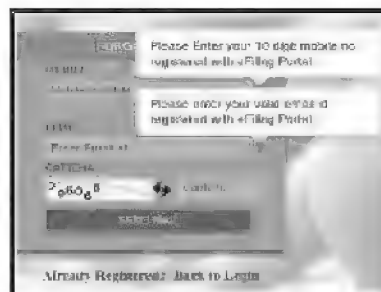


## 1.5.Login

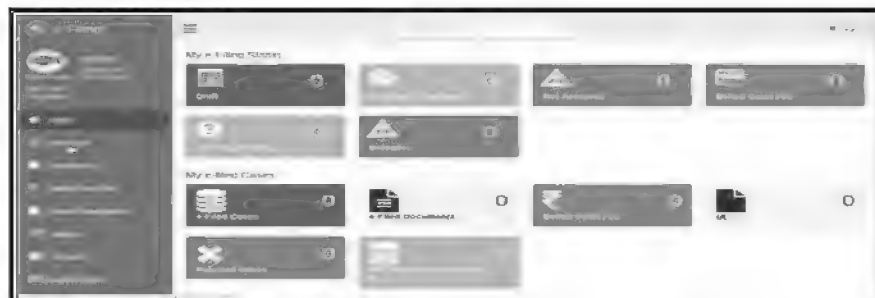
- Type the login id and password
- Enter the captcha
- Click on **LOGIN** button.

### 1.5.1 Forgot password :

If you forget your password or User-Id, you can click on the same and can enter your 10 digit mobile number or valid email id which you had registered with e Filing Portal at the time of Registration and then rest your password..



## 1.6. Dashboard :



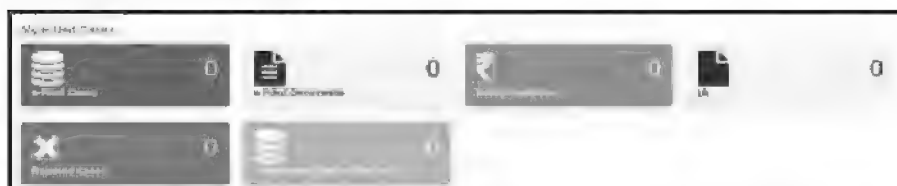
Dash board is the most important page from where you can keep track of the e filed cases digitally under two head (a) My e filing status and (b) My e filed cases. Let us see one by one.

### 1.6.1. My e filing status:



The e filing status shows the cases pending for acceptance , the cases not accepted, cases which have deficit court fees the cases pending for scrutiny and which are defective. There is another wonderful option under Draft where you can store all your drafts which are ready for e filing .

### 1.6.2 My e filed cases:



Under e filed cases you can see your list of e filed cases, e filed documents, deficit court fee paid, the list of Interlocutory Applications(IA), the list of Rejected Cases, the list of Idle/Unprocessed e-Filed cases. So once you e file your case you can keep track of the case digitally using dashboard option without even visiting the court complex.

### 1.7.New case option:

After you login, you will be welcome d by the dashboard with the filing menu list on the left hand side . In the e filing menu list Click on 'New Case' Option under the dash board which will take you to the form where to file the case .



## 1.8. Where to file High court /Lower court:

After Choosing the new case option in the dash board page you need to select where you are going to file the case whether in the

☒ HIGH COURT ☐ LOWER COURT

High court or in the Lower court . For filing in the High court choose the radio button for High court and for filing in the lower court choose the radio button of the lower court option . And fill the following details through drop box i.e High court , civil or criminal ,Matter Type, Case Type , and whether it is MACT case or not and whether it is an ordinary or Urgent matter. In case of lower court choose the State, the District, the Court Establishment in addition to the above particulars.

**New Case : Where to file**

☒ HIGH COURT ☐ LOWER COURT

People Cases:

Matter Type:

Case Type:

Is MACT Matter:

Matter Priority:  ←

In the District of:

Check all the particulars and if it is correct then click on submit button .If you want to make any corrections then click reset button .

## 1.9.Filling up of forms:

### 1.9.1.Colour coding:

The next step is to fill the digital forms generated. Before filling up the forms we need to understand the colour coding used in the forms page which will make our task easier.

- **Blue colour** for the form in use and Active
- **Green colour** for the form which is completed or Done .
- **Orange colour** for the forms which are optional;
- **Red colour** for the forms which are mandatory to be filled up.

The screenshot shows the 'Filing Form' interface. At the top, there are status indicators: Active (green), Done (blue), Optional (grey), and Required (red). Below these are 12 numbered steps: 1. Petitioner, 2. Respondent, 3. Extra Information, 4. Extra Party, 5. Case Detail, 6. Act-Section, 7. Subordinate Court, 8. Sign Method, 9. Upload Document, 10. Pay Court Fee, 11. Confirmation, and 12. View. A 'SAVE' button is visible in the top right corner.

Though there are optional forms and optional fields it is advisable to fill up all the details because only then you can have a complete digital picture of your e filed case. And don't forget that after filling up each and every form click "SAVE" and then "NEXT" .



### 1.9.2. Complainant/Petitioner form:

In the complainant/petitioner form you need to fill up all the details relating to the petitioner. And the fields with red star are mandatory. But it is advisable to completely fill up all the details. For example the mail is given as optional .But only when you fill up email you can get various alerts to your inbox from the e courts services. Hence fill up all details and click "SAVE" and then "NEXT" .

The screenshot shows the 'Complainant / Petitioner Information' form. It contains fields for Organisation, Complainant / Petitioner (RAMKRISHNA), Relation of Complainant / Petitioner with relative name (Father), Relative name (RAMKRISHNA), Date of Birth (DDMMYYYY), Age (45), Gender (Male), Religion (HINDU), Case (HINDU), Email (kashyap), Mobile (9768554433), Address (MADHAW TRANSPORT, BALLYARI), State (KARNATAKA), District (BALLYARI), Taluk (BALLYARI TALUKA), Town (BALLYARI), Ward (BALLYARI WARD), Village (BALLYARI VILLAGE), Pincode (576002), and Police Station Code (Select Police Station). There are 'SAVE' and 'NEXT' buttons at the bottom. A red arrow points to the 'NEXT' button.

### 1.9.3.e filing number:

The Saved Form will generate an e Filing Number at the Right Top. It can be noted for your reference.





#### 1.9.4. Respondent form:

The respondent form is similar to the petitioner form and hence fill up all the details relating to the respondent and click "SAVE" and then "NEXT" ..

The screenshot shows a web form titled "Respondent Form". It contains several input fields and dropdown menus. On the left side, there are fields for "Organization", "Address of Complainant", "Respondent Name", "Date of Birth", "Age", "Gender", "Religion", and "Caste". On the right side, there are fields for "Email", "Mobile", "Address", "State", "District", "Taluka", "Town", "Village", "Pincode", and "Phone Number". At the bottom, there are buttons for "Previous", "Save", and "Next". The "Save" button is highlighted in blue.

After adding all the details you will get the message as **respondent added successfully**



#### 1.9.5. Extra information Form (optional):

The screenshot shows a web form titled "Respondent / Accused Extra Information". It contains several input fields and dropdown menus. On the left side, there are fields for "Passport No.", "PAN No.", "Fax No.", "Phone No.", "Cell Number", "Caste", "Religion", "Date of Birth", "Place of Birth", "POB No.", "PCC No.", "Phone No.", "Cell Number", and "Other Information". On the right side, there are fields for "Alternate Address", "District", "Taluka", "Town", "Village", "Pincode", and "Phone Number". At the bottom, there are buttons for "Previous", "Save", and "Next". The "Save" button is highlighted in blue.

If you wish to fill up any extra information regarding complainant or accused, like the Passport number, Pan card number, Fax number, Phone number Alternate Address it can be filled up under this form. Though this form is optional it is advisable that these all particulars to be filled up as far as possible. After filling up the extra information, click on Save button and; then Click on Next button. But If you do not want to fill the extra

information about the Complainant/Petitioner or Accused/Respondent then directly click on the **Next** button.

### 1.9.6. Extra Party Details :

The Extra Party information arises in cases where there are more than one parties on the Complainants/Accused side or on the Petitioners/Respondents side or on both sides. Though this Form is also optional, it is highly recommended that it need to be filled up because once this form is submitted it cannot be modified later .

### 1.9.7 Case Details:

The Case Details Form contain the particulars of Cause of Action Details/ Date/ Dispute Place, the claim amount, Any Important Information/ Subject/ Reason, the Prayer, Relief Particulars.

#### 1.9.7.1. Hide Party:

Hide party is an important option in Case details form. In case of offenses against women and children, POSCO act matrimonial disputes wherever law mandates the protection of the identity of the Victim or petitioner then this option should be enabled so that the privacy of the petitioner will be protected and the mandate of law can be complied with. Hence the identity of the Hide party option enabled person will not be revealed in the digital screens !

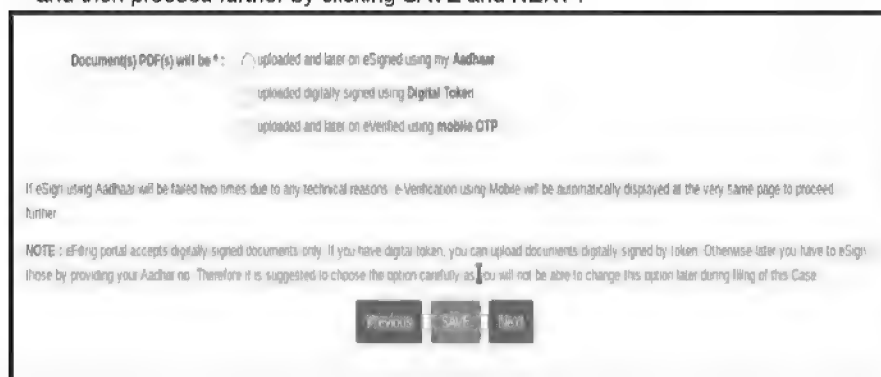
#### 1.9.8. Act-Section:

Fill the details of the Act and Section and save the details and then click Next to move to the next form .



#### 1.9.9. Signing Method:

- In the e-signing option, there are three options to sign
- uploaded and later on e signing Using Aadhar
- uploaded using digital signature digital token.
- Uploaded and later on e signing using mobile OTP. You can choose any one option and then proceed further by clicking SAVE and NEXT .



### 1.9.10. Upload Document:

Document Information

Document # :

Document Title :

File :

NOTE: Please upload pdf file only (PDF file name max length not be 75 character only). Only date, character, space, hyphen and underscore are allowed. Max. PDF file size 50MB.

#	Document Name	Uploaded Documents	Index	Pages	Remove
1	PETITION	DOCKABFF000122001_PETITION.pdf PCT100COPY 64722b50a1122d8b6431a8ee1b120d3921a0c6a4b9e27007a6ed1621	1-3	1	<input type="button" value="Delete"/>
2	VAKALATHNAMMA	DOCKABFF000122001_VAKALATHNAMMA.pdf VAKALATHNAMMA 8f03a32071261d14d6e4c5161641c42428b588173d177b046a6a19801d3	2-3	1	<input type="button" value="Delete"/>

Showing 1 of 2 pages

When you have documents to upload use this option and upload the documents. Choose the document type, document title and attach the document file which should not be more than 50 MB and click upload. The uploaded document will be displayed. If you have wrongly uploaded any document you can use the delete option and delete it. Then, you may upload the correct document. Once all the documents are uploaded, click on **Next** button.

Document Information

Document # :

Document Title :

File :

NOTE: Please upload pdf file only (PDF file name max length not be 75 character only). Only date, character, space, hyphen and underscore are allowed. Max. PDF file size 50MB.

#	Document Name	Uploaded Documents	Index	Pages	Remove
1	PETITION	DOCKABFF000122001_PETITION.pdf PCT100COPY 64722b50a1122d8b6431a8ee1b120d3921a0c6a4b9e27007a6ed1621	1-3	1	<input type="button" value="Delete"/>
2	VAKALATHNAMMA	DOCKABFF000122001_VAKALATHNAMMA.pdf VAKALATHNAMMA 8f03a32071261d14d6e4c5161641c42428b588173d177b046a6a19801d3	2-3	1	<input type="button" value="Delete"/>

Showing 1 of 2 pages

### 1.9.11. Pay court fees:

For making payment of court fee you can make online payment or through Challan payment and upload the challan details. After filing up payment details and clicking submit button, then click on **Next** button.

Fee Type \*  
Fee Amount \*  
Payment Mode \*  
Upload Receipt \*  
Bank Name  
Challan Cheque/ID/eChallan No. \*  
Challan Cheque/ID/eChallan Date \*  
Select Party \*

NOTE : Please upload pdf file only (PDF file name max length can be 45 characters only. Only digits, characters, spaces, hyphen and underscores are allowed). Max. PDF file size 10MB.

Submit

### 1.9.12 Affirmation and Verification of Applicant.

#### I. Applicant/Complainant/ Litigant Affirmation.

Applicant/Complainant/Litigant Affirmation

View Applicant/Complainant/Litigant Affirmation

One Time Password (OTP) has been sent to your mobile \*\*\*\*\*66

Mobile OTP \*

Verify OTP

- Type the Name of the Applicant
- Type the mobile number of the Applicant
- Click on **Send OTP** button. Then, type the OTP received in the mobile number of the applicant and then Click on **Verify OTP** button.

Document eVerified by Mobile OTP ✓

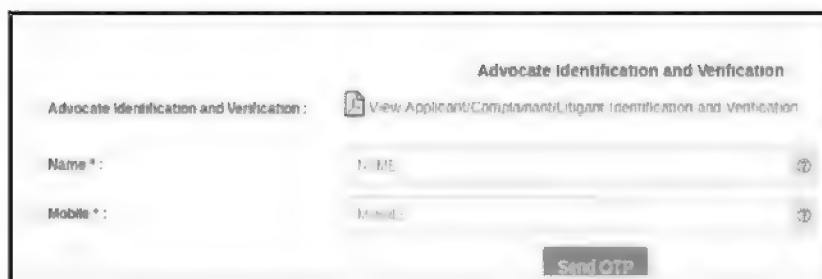
On Date : 02-05-2020 21:29:16 PM

Using Mobile : \*\*\*\*\*66

By Litigant : RAVINDRA MADHAV

View Verification

### 1.9.13. Advocate Identification and Verification:

The screenshot shows a web form titled "Advocate Identification and Verification". Below the title, there is a link "View Applicant/Complainant/Litigant Identification and Verification". The form has two input fields: "Name \*" and "Mobile \*", each with a small circular icon to its right. At the bottom right of the form is a button labeled "Send OTP".

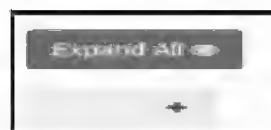
- After the e-verification of applicant, then Advocate identification also to be verified accordingly.
- Type the name of the advocate
- Type the mobile number of the Advocate
- Click on the **Send OTP button**. Then, type the OTP received to your registered mobile number and then Click on **Verify OTP button**.

The screenshot shows a confirmation screen with the text "Document eVerified by Mobile OTP" followed by a checkmark icon. Below this, it displays "On Date : 02-05-2020 21:29:53 PM", "Using Mobile : 9876543210", and "By Advocate : GURUPRASAD S P". At the bottom, there is a link "View eVerification".

- After the verification of (i) the applicant and (ii) the Advocate, then Click on the **Next button**.

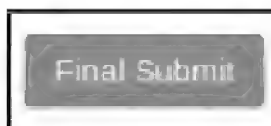
### 1.9.14 . View:

After filling up all the details, the filled up form details can be viewed using the 'EXPAND ALL' option or click on + to view the details against each category.



### 1.10. Final submit:

After checking all the details click the option "FINAL SUBMIT"



E-Verify number ECKABIF-00012-2000 obtained successfully the record of E-Verify Agency

### 1.12. Generate acknowledgment:

My e Filing Status

Draft 0

Under Review 0

Not Accepted 0

Official Court Process 0

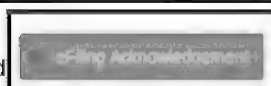
Discontinue 0


*Guide for e filing in High Courts & District Courts of India.*

Pending Acceptance				
Sl. No.	e Filing No.	Type	Case Details	Submitted On
1	SCJABIPF000124020	New Case	RAVINDRA MADHAVA vs. PAULU KUMAR	02/05/2020 09:50:11 PM
2	SCJABIPF000124020	Revised	NAMARAJESHA vs. BELAKUSH	02/05/2020 03:56:42 PM
3	SCJABIPF000124020	New Case	PRASANTH KESHAVA GRAMANA RAMESH vs. ABC	02/05/2020 09:54:42 PM

Then Click on the e Filing **Acknowledgment** button

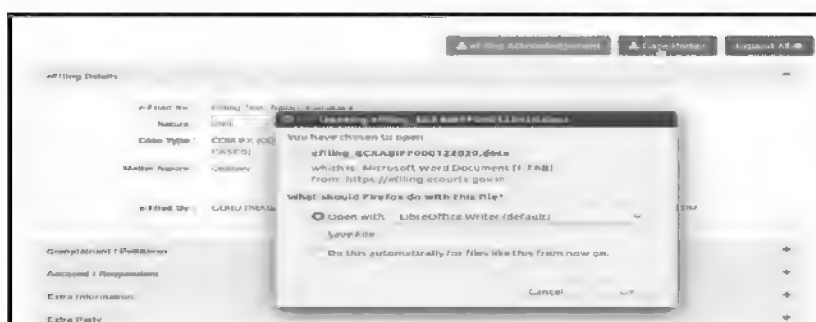
Now, the e filing acknowledgment gets downloaded automatically in PDF form as shown below.



EFILING TEST, BALLARI, KARNATAKA Acknowledgement			
	e Filing No.	SCJABIPF000124020	e Filed Date/Time
	Plaintiff	RAVINDRA MADHAVA	02-05-2020 09:50:11 PM
	Respondent	PAULU KUMAR	
	Writ	0	
	Attorney	SCJABIPF000124020	Master Name
	e Filing Court	RAJADOL DISTRICT AND SESSIONS JUDGE BALLARI COMMERCIAL COURT	Priority
	Payment Order		
Generated Date: 02-05-2020			

### 1.13. Generate Case party details:

Similarly you can generate the case party details by clicking on the case parties option.





HIGH COURT OF JUDICATURE FOR EFILING TEST,,	
COM.EX.(COMMERCIAL EXECUTION CASES)	
1	Ravindra Madhaya W/o RAMAKRISHNA, Aged about 45 years, Resident of Madhay Transport, Ballari, Bellary, Ballari, Karnataka , India
	-----Petitioners
	Versus
1	Rahul Kumar W/o SOMASHEKAR Resident of Amarapura,ballari, Bellary, Ballari, Karnataka ,India

#### 1.14. Logout:

Lastly, you can log out from the current session by going to the **Home** in the dashboard and then click on the **log out** icon on the right side top of the screen.



#### 1.15.Conclusion:

Thus you can successfully e file a new case in the online e filing portal which has the added advantage of keeping track of the status of the case digitally through Dashboard options. So keep e filing new cases through e filing portal and join the new band of 'Digital Era Advocate'.

-----Start e filing new cases in [www.efiling.ecourts.gov.in](http://www.efiling.ecourts.gov.in) -----.

The screenshot displays the e-filing portal interface. At the top, the URL **www.efiling.ecourts.gov.in** is shown. The main content area is divided into a sidebar on the left and a dashboard on the right.

**Sidebar Menu:**

- e-Filing
- Welcome, **ADMINISTRATOR PANJAB**
- User Profile
- User Rights
- User Address
- Home
- New Case
- Documents
- Deficit Court Fee
- Interim Application
- Reports
- Contacts
- News & Events

**Dashboard (My e-Filing Status):**

Category	Count
Draft	29
Pending Application	0
Defective	0
Not Accepted	0
Deficit Court Fee	0

**Dashboard (My e-Filing Data):**

Category	Count
e-Filed Cases	0
e-Filed Documents	0
Rejected Cases	0
Deficit Court Fee	0
IA	0

**Footer:**

**ONLINE EFILING PORTAL  
FOR HIGHCOURTS &  
DISTRICT COURTS IN INDIA**

**eCommittee**  
Supreme Court of India



**Register for efilng for  
High courts/District courts in India  
And Become a Digital Era- Advocate**

**Are you an advocate practicing in High court / District court of India ?  
Do you want to file your case in the comfort of your office !  
Do you want to file your case without visiting court complex !  
Then choose **efiling** -the digital online filing process.**

**10 step Registration procedure for Advocate  
at efilng portal [www.efiling.ecourts.gov.in](http://www.efiling.ecourts.gov.in)**

**Visit efilng portal [www.efiling.ecourts.gov.in](http://www.efiling.ecourts.gov.in) and become a registered  
user by following the 10 steps hereunder .**

**GETTING STARTED**

**Before starting registration keep the following details ready**

- (i) Details of your mobile number,email ID registered with court database
- (ii) Details of your bar enrollement number
- (iii) Digital Photo in Jpeg/Jpg format of size of size between 5KB and 5 MB .
- (iv) Identity proof (Any one Pan card /aadhar card/ Voter card/ Driving license/  
Bar Registration certificate formate of size between 5KB and 5 MB .
- (v) Smartphone/laptop with internet connection

**As it is a time bound registration you need to complete within 18 minutes  
Dont start registration without having all the above details ready !**

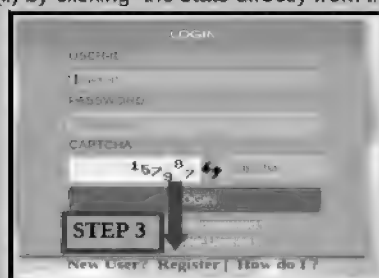
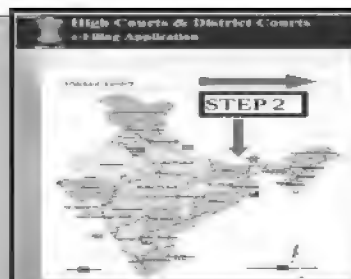
**Lets start Registration .**

**STEP 1. Visit [www.efiling.ecourts.gov.in](http://www.efiling.ecourts.gov.in)**



**STEP-2** Select your< state>

- (i) by clicking on the drop list (or)  
(ii) by clicking the state directly from the India map

A screenshot of the login page. It has fields for USERNAME, PASSWORD, and CAPTCHA. Below the CAPTCHA field is a 'LOG IN' button. A box labeled 'STEP 3' points to the 'REGISTER' link at the bottom of the page, next to 'New User' and 'How do I?'. The 'REGISTER' link is underlined.

**STEP 3:** Click "Register" in the login page

**STEP 4:** Select the radio button " Advocate" in the registration form

A screenshot of the registration form. It has two radio buttons: 'ADVOCATE' and 'PARTY IN PERSON'. The 'ADVOCATE' radio button is selected. A box labeled 'STEP 4' points to the 'ADVOCATE' radio button.

**STEP 5:** Fill up the following details

- Mobile Number\*
- Email ID\*
- (\* The mobile number and the email ID that is registered with the court where the advocate practices must be furnished . If mobile number and email id are not registered with court database then registration will not be completed and in that case contact concerned court for registering the same )
- Bar Registration Number of the Advocate
- Choose User ID ( your preferable choice)
- Choose where you are Enrolled
- High Court/ court establishment
- Choose the Highcourt
- Enter the captcha
- Click " GET OTP"

A screenshot of the registration form. It has fields for MOBILE, EMAIL, BAR REGISTRATION NO., CHOOSE USER ID, and HIGH COURT. There is a CAPTCHA field at the bottom. A box labeled 'STEP 5' points to the 'MOBILE' field. The 'ADVOCATE' radio button is selected.

**Step 6:** Check your registered mobile number and the registered email ID for OTP. You should receive 2 separate OTP in your mobile number and the email ID. In some cases you may receive one OTP in your mobile number alone, in that case enter the OTP received in your mobile number and proceed further.

**STEP 7: Two OTP verification:** If you have received Two OTPs, Enter the OTP received in your mobile number and the OTP received in your email id in the respective entry bar and click verify OTP.

(OR)

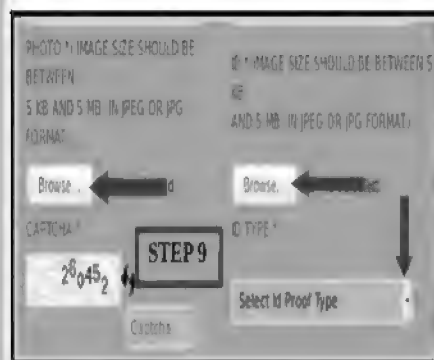
**Step 7:One OTP verification :**In some cases if you have received one OTP in your mobile number alone , then enter that OTP in the mobile OTP entry bar and click verify OTP .

**STEP 8: Fill other Details**

- Password \*
- ( Password must contain minimum 8 digit and must include 1 uppercase character, 1 lowercase character,1 number, 1 special character)
- Confirm password
- First name
- Last name
- Other contact number
- Gender
- Date of Birth (DD/MM/YYYY)
- Address Line 1
- Address Line 2
- City
- State
- Pincode

**Step 9 Upload your Photo and ID:**

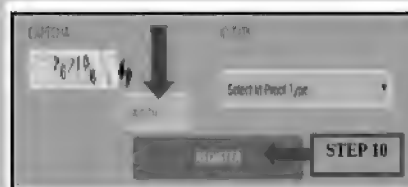
- Upload your Photo (in Jpeg/Jpg format of size less between 5 KB and 5 MB) using "Choose file" option.
- Upload Identity proof in image size less than 5 KB and 5 MB using the "Choose file" option.
- Suppose you don't have digital photograph, just take a photo from your smart phone and upload.
- Similarly, if you don't have digital copy of your ID cards, then you can take a photo or scan the ID cards using any scan application and upload. Before uploading ensure that your photo and the ID card are in the format Jpeg or jpg and in size between 5 KB and 5 MB.
- Then you have to choose the type of ID card uploaded i.e Pan card/ aadhar card/ Voter Card/Driving license/Bar registration certificate from the drop box.

A screenshot of the Step 9 upload interface. It features two columns. The left column is for the 'PHOTO' and includes a 'BROWSE' button and a 'CAPTCHA' field with the code '280452'. The right column is for the 'ID' and includes a 'BROWSE' button, an 'ID TYPE' dropdown menu, and a 'Select Id Proof Type' button. A central box labeled 'STEP 9' is positioned between the two columns. Arrows indicate the flow from the 'BROWSE' buttons to the respective upload areas.

**STEP 10:** Finally enters the captcha code given in box and click the "Register" button to complete the Registration process.

You will finally get the message

**"Registered successfully"**

A screenshot of the Step 10 registration interface. It shows a 'CAPTCHA' field with the code '280452' and a 'Select Id Proof Type' dropdown menu. Below these fields is a 'REGISTER' button. A box labeled 'STEP 10' is positioned to the right of the 'REGISTER' button. An arrow points from the 'CAPTCHA' field to the 'REGISTER' button.

**Registered successfully**

**You have successfully become a registered Advocate of e-filing .**

**Welcome to the digital world of e-filing of High courts /District courts of India .**

**Start e-filing your cases from the comfort of your office**



**Circulated by  
ecommittee, Supreme Court of India.**



APPENDIX-III

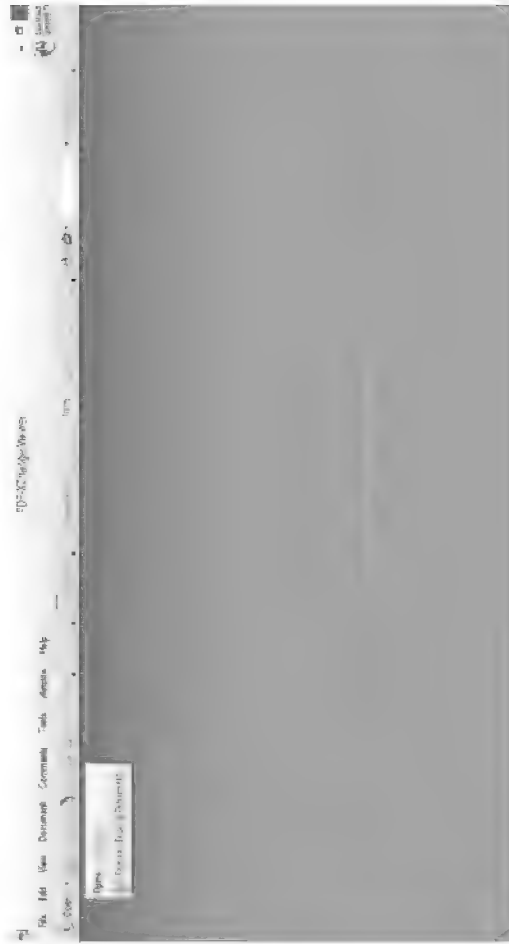
**Procedure for  
converting a document  
into an OCR searchable  
PDF.**

31

There are many free & trial version software available online that can be downloaded from internet for creating OCR in PDF files. These includes PDF -XChange viewer, Acrobat Adobe, Abbyy FineReader etc.

Open the PDF file containing a scanned image you wish to Convert in OCR Format

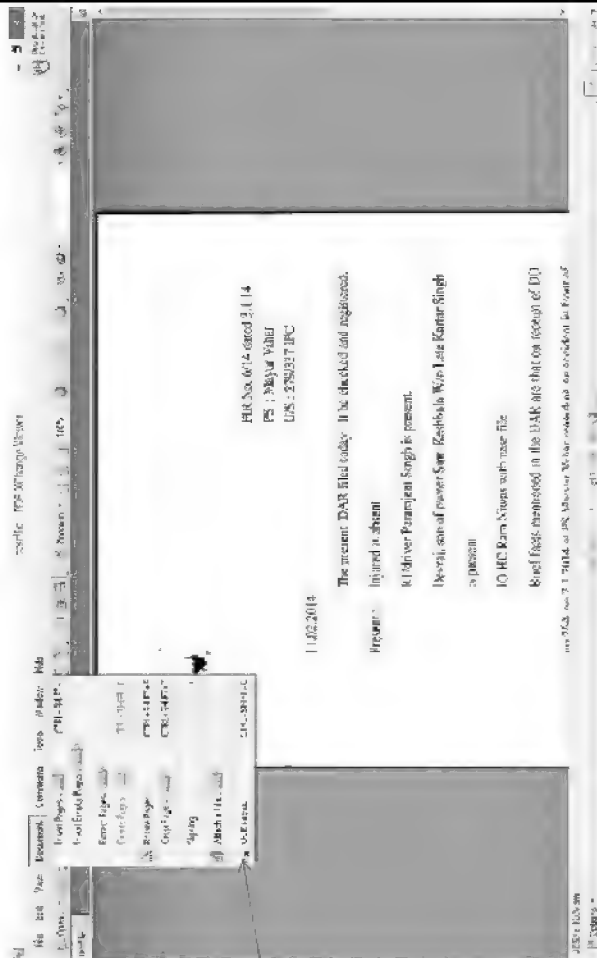
Using PDF- XChange Viewer – free

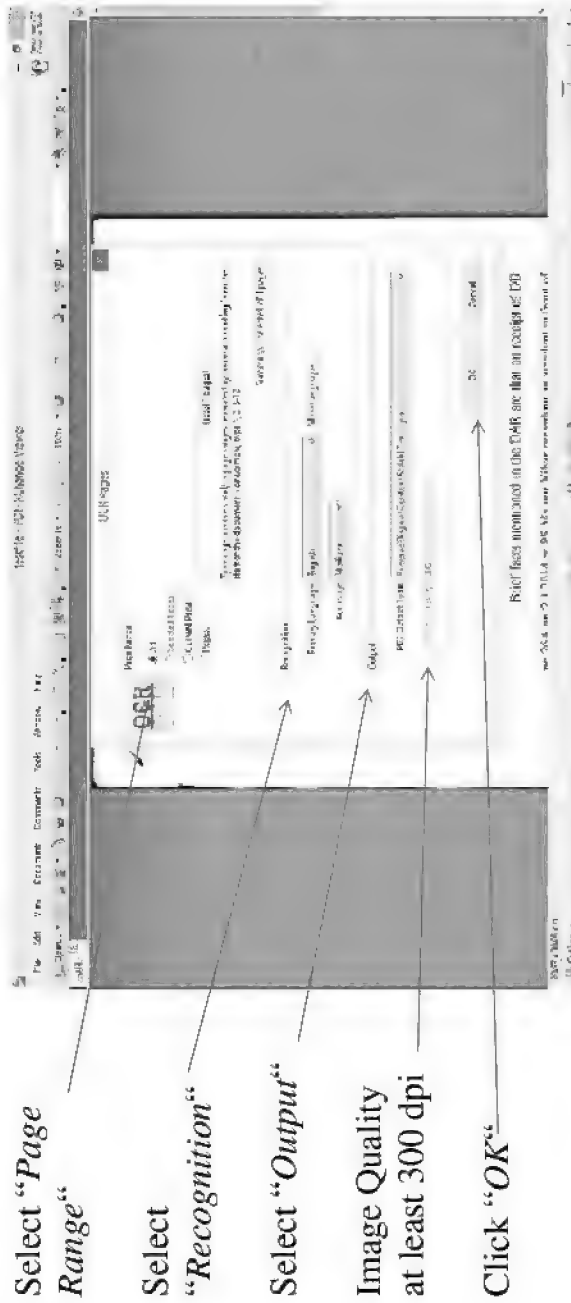


From the main menu, select  
“Open” →  
“Open an Existing Document” →  
Open any PDF Document.

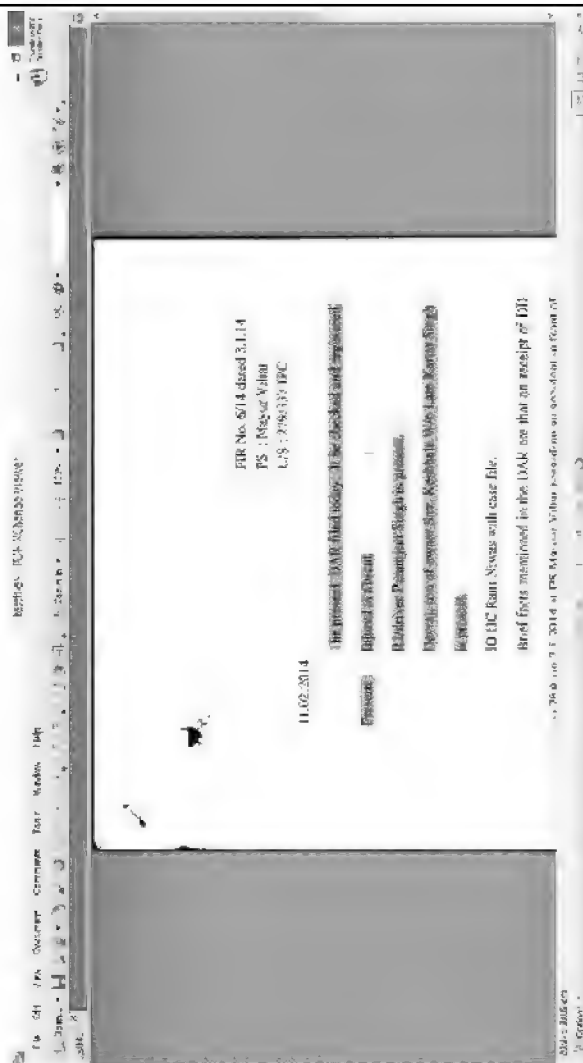


From the main  
menu, select  
"Document" →  
"OCR Pages".

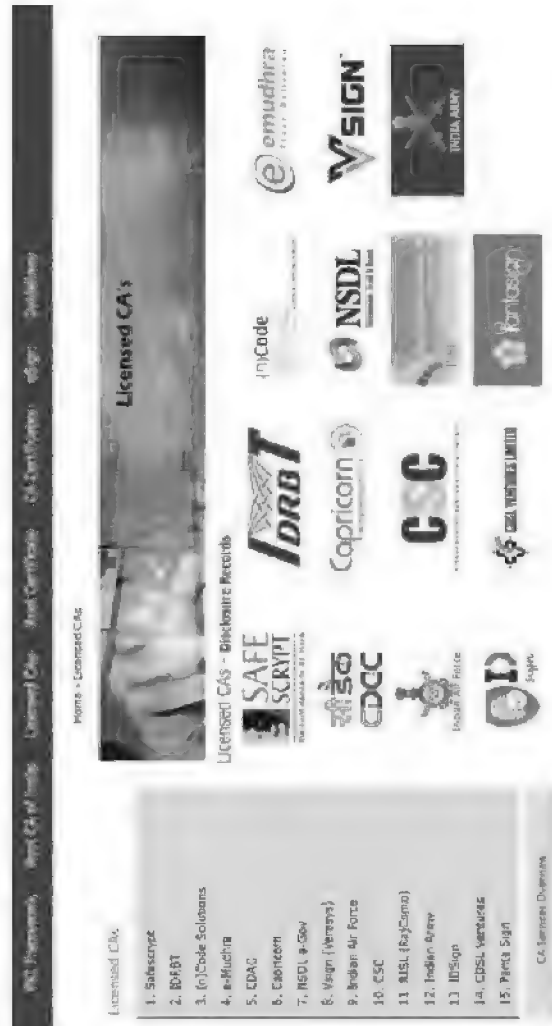




Document in  
OCR Format

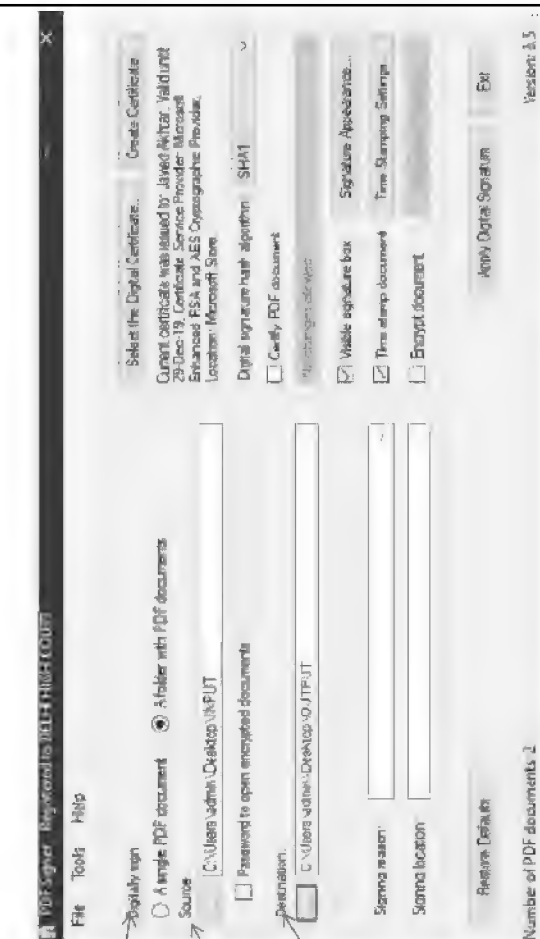


**Please go to the website - <http://cca.gov.in> to get the list of Licensed CAs-**



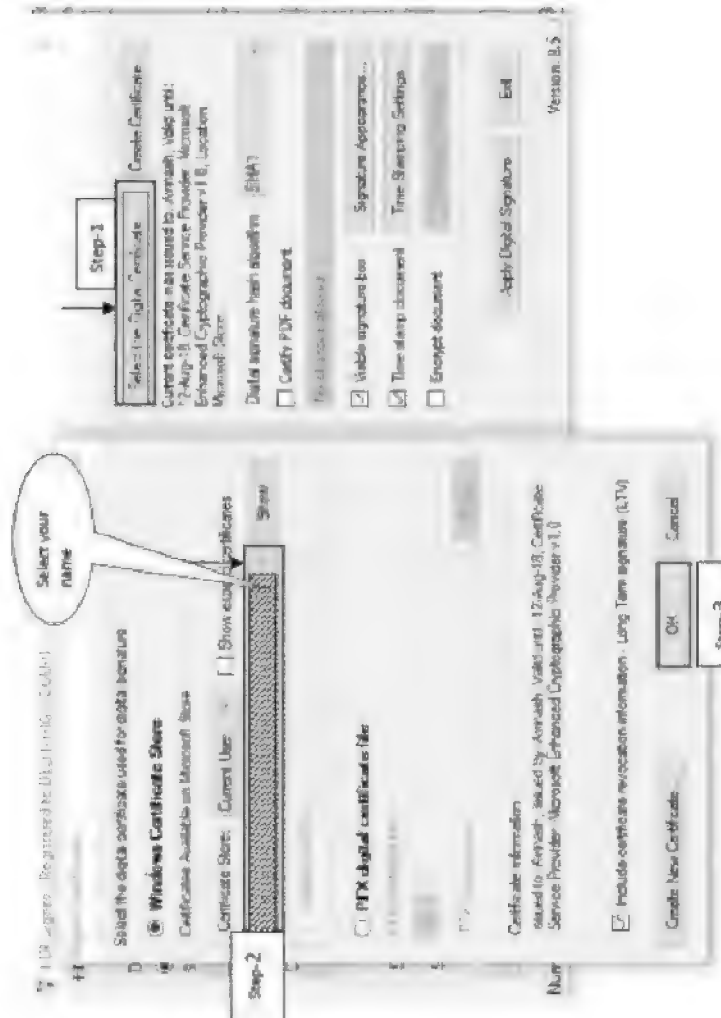
## Procedure for Digital Signature

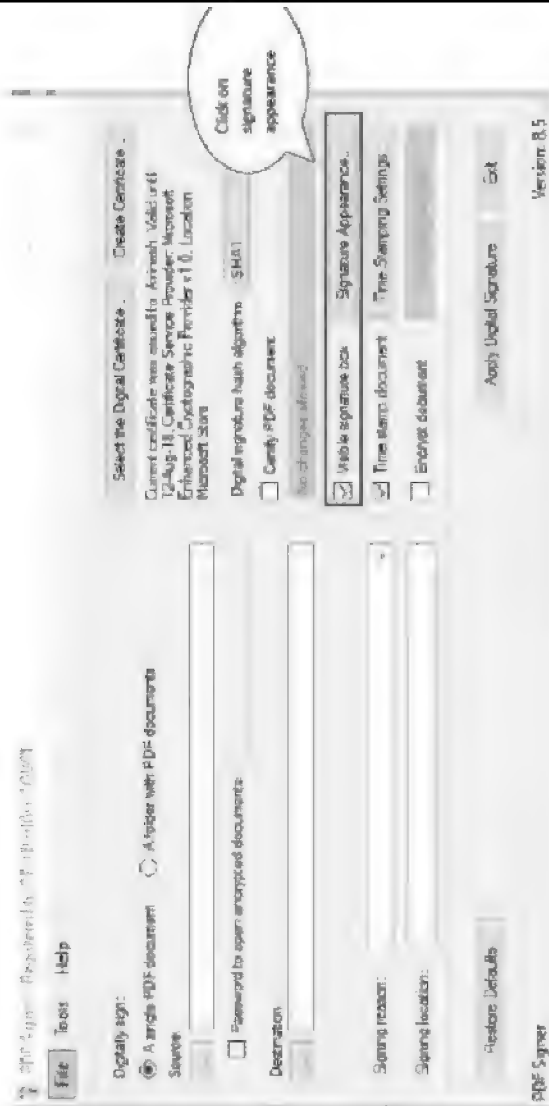
1. Using PDF Signer.
2. Select “A single PDF document” or “A Folder with PDF documents”.
3. Select Source
4. Select Destination



37

1. Select Digital Certificate
2. Select your Name.
3. Click OK





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**Configure Signature Appearance**

**Signature Page** All Pages

**Position** Bottom Left

**Font**  
☒ Include Adobe signature status images (e.g. question mark, green tick)  
Font size: 12  
☐ Right to Left text

**Standard fonts** Times-Roman  
☐ Use a custom font

**Custom position**  
X-axis: 30 Width: 86  
Y-axis: 30 Height: 50

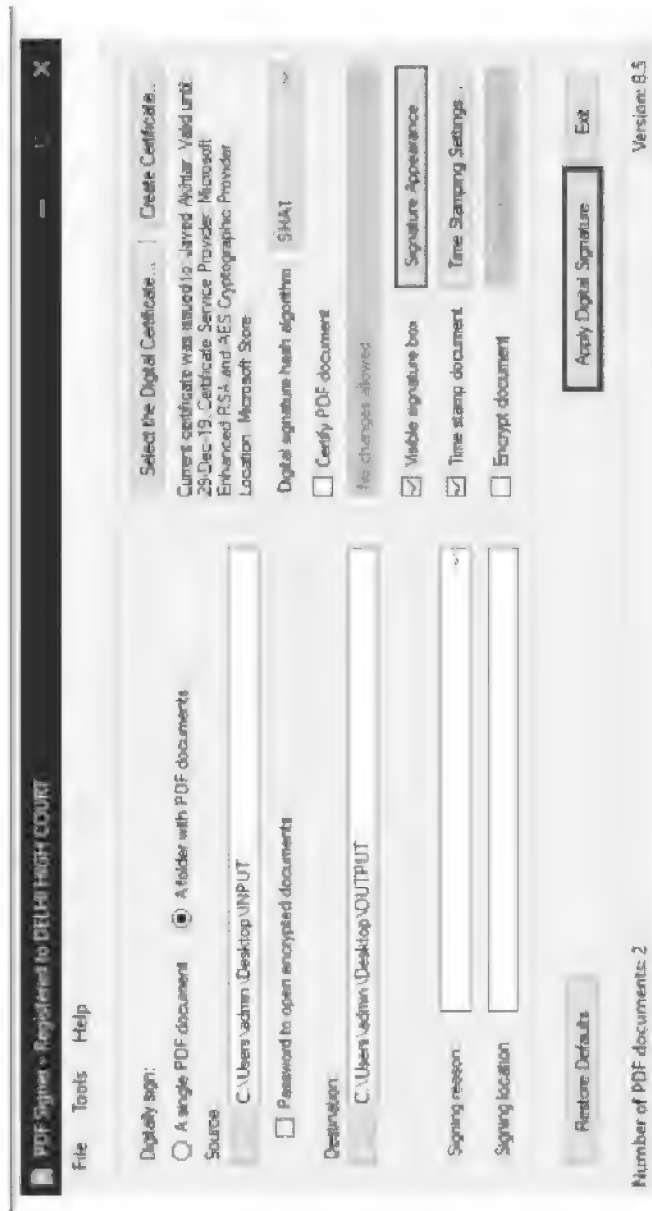
☐ Place an image on the signature box

**Configure Signature Box**  
☒ Name from digital certificate  
☐ Entire certificate subject  
☐ Reason  
☒ Signing Date  
☒ Labels  
Date format: DD.MM.YYYY HH:mm:ss  
Signed By: Digitally signed by:  
Location:  
Reason:  
Signing Date:

**Feature Defaults**

OK Cancel





41

1. Go to  
Destination  
Folder &  
check  
Digitally  
signed PDF  
File

2. PDF File After  
Digital  
Signature

3. Digital  
Signature

IN THE HIGH COURT OF DELHI AT NEW DELHI

ABC XYZ 2020

X

Appellant

Through  
Counsel

Y

Respondent

Through  
Counsel

COMAR  
RAM

ORDER  
01/10/2019

RAM

OCTOBER 01, 2019

Page 1 of 1

ABC XYZ 2020

Digitally signed by  
ABC XYZ 2020  
DN: cn=ABC XYZ 2020, o=ABC XYZ 2020, email=abcxyz2020@abcxyz2020.com

## APPENDIX - V

There are many free software program available online that can be downloaded from internet for creating bookmarks in PDF files. These includes Foxit Reader, Abbyy FineReader, Adobe Acrobat etc.

Foxit Reader(Using for Bookmark)

Download the software from website <https://www.foxitsoftware.com/pdf-reader>. The software program may be downloaded by clicking on Free Foxit Reader Download link available on website.



43

## Open the PDF file to Bookmark

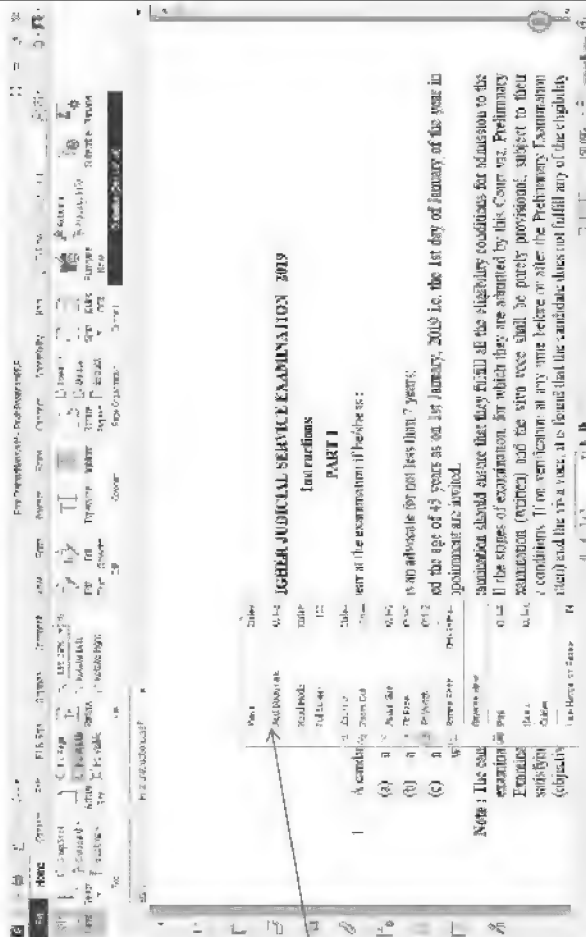
### Using Foxit Reader – free trial

Select & open  
the PDF  
document to  
make  
bookmark



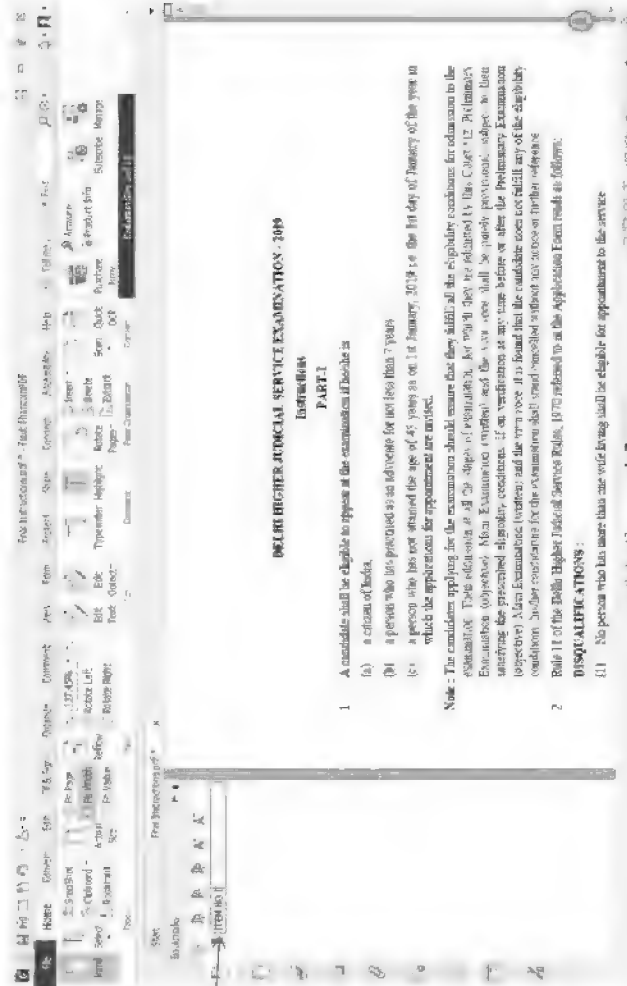
## Using Foxit Reader – free trial

Right-click the selection and click **Add Bookmark...** on the shortcut menu or Press **Ctrl+B** → Click on **Add Bookmark** (**Bookmarks** panel will open)



## Using Foxit Reader – free trial

1. Type the name of your Bookmark
2. By default, the newly created bookmark will point to the start of the current page.



APPENDIX-VI

Procedure for filing  
Caveat

**In this you can do Document filing in the already filed matter.**

- 1) There is a submenu  
Caveat available in e-Filing  
menu.**

### 1) Select Case Type

### 2) Enter Caveator's & Non-Caveator's Details

### 3) Enter Impugned Order details

**3) Add e-court fee**

**4) Select document to be upload**

**5) Click on *Save* button to submit the Filing.**

[illegible]



**After uploading, the following screen will appear with the Diary number for the case you have filed**

### HIGH COURT OF DELHI

✓ Diary No. E-435022/2020

Confirmation Email Message has been sent.

- e-filing is subject to scrutiny of court.
- [Click here to see the details](#)



- **Exhibit 10**

## CAVEAT INBOX

**INBOX: Now you can track the status of Caveat through your inbox.**

1.) Click on the Caveat  
Inbox sub menu under  
Inbox menu

2.) under Caveat Inbox  
there are two tabs viz

**SCRUTINY---** Lists the  
cases which are in scrutiny  
stage

**DEFECTIVE---** Lists the  
cases which are in  
defective stage

WELCOME DEEP  
HANDRA HARBOLA  
Login At May 12, 2020  
18:52 PM

PROFILE

- e-Filing
- Inbox
  - My Case Inbox
  - 7 Applicant Inbox
  - 8 Document Inbox
  - 10 Previously Filed Cases
  - 11 Digital Jaxox

CHANGE PASSWORD

LOGOUT

HIGH COURT OF DELHI  
e-Filing Management System

Search By:

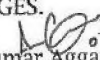
DEFECTIVE (1)

SCRUTINY (2)

SINo	Diary No.	Case Type	Case No.	Caveator Vs Respondent	Date of Filing	Status
1	433002/2020	CS(COMM)	/0	CAVEATOR VS NON CAVEATOR	09-05-2020	SCRUTINY
2	433002/2020	CS(COMM)	/0	RESPONDENT 1 Vs TEST 1	09-05-2020	SCRUTINY

~50~

BY ORDER OF HON'BLE THE CHIEF JUSTICE AND JUDGES.

  
(Arun Kumar Aggarwal)  
Registrar (Rules)  
for Registrar General

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